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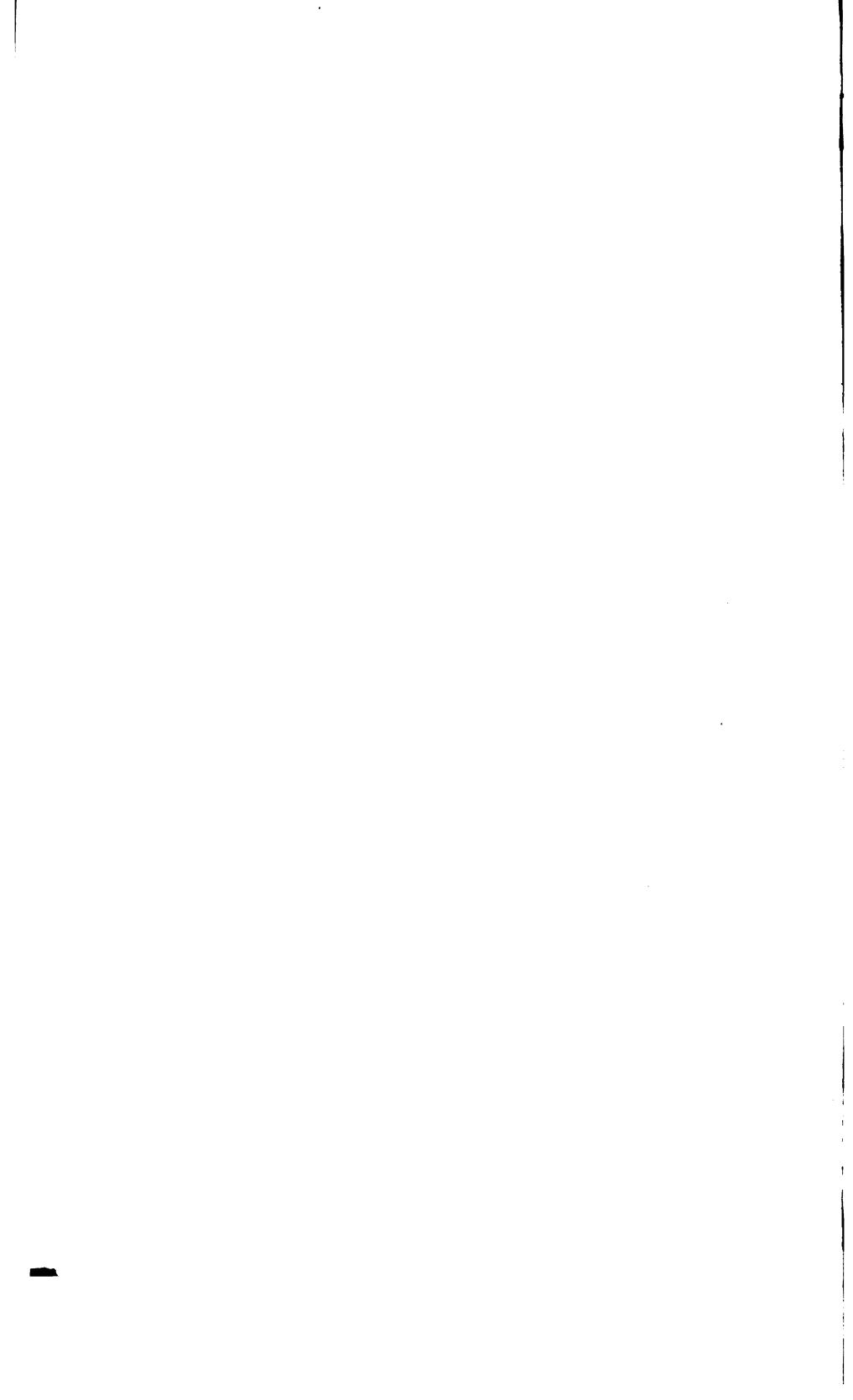
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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

PASSED AT THE

SESSIONS OF 1864-65.

PRINTED BY ORDER OF THE LEGISLATURE, IN CONFORMITY WITH THE STATUTES AT
LARGE, AND DESIGNED TO FORM A PART OF THE THIRTEENTH
VOLUME, COMMENCING WITH THE ACTS OF 1861.

COLUMBIA, S. C.:
JULIAN A. SELBY, PRINTER TO THE STATE.

1866.

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MANUEL CHOTMAN

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same, That the Clerk of the Court of Common Pleas and General Sessions for Marlboro District be, and he is hereby, authorized, together with the Sheriff of said District, to draw, during vacation, the necessary Juries for the next regular term of said Court, in the manner now provided by law for drawing such Juries in open Court, in cases where the Judge fails to attend during the term.

A. D. 1864.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
A. P. ALDRICH, *Speaker House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, NO. 4699.
ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the Treasury of this State, for the use and service thereof, that is to say: Six dollars *ad valorem* on every hundred dollars of the value of all lands granted in this State, according to the existing classification, as heretofore established; four dollars per head on all slaves: *Provided*, That all lands or slaves in this State now in possession or under the control of the enemy, and also such slaves as may have come into the possession of the enemy before the first day of April next, or such lands as shall have been abandoned by the owners, in consequence of the action of the military authorities, before the first day of April next, shall be exempted from taxation; ten dollars on each free negro, mulatto, or mestizo, between the ages of fifteen and fifty years, except such as shall clearly be proved to the satisfaction of the Collector to be incapable, from wounds or otherwise, of procuring a livelihood, and except those who now are, or have at any time since the first day of October, in the year of our Lord one thousand eight hundred and sixty-three, been in the service of the army of this State or of the Confederate States, as laborers or otherwise, in the existing war; one dollar and fifty cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough of this State: *Provided*, That no tax shall be levied on lots, lands and buildings within any city, town, village or borough in the State which have passed into the possession or under the control of the enemy, nor upon the property in the city of Charleston to the southward and eastward of the following lines, to wit: From Cooper River through the centre of the following streets, to wit: Chapel and John Streets to Meeting Street, through Meeting to Hudson, through Hudson to King, through King to Calhoun, through Calhoun to St. Philip, through St. Philip to Green, through Coming to Bull, through Bull to Pitt, through Pitt to Montague, through Montague to Rutledge, through Rutledge to Broad, and through Broad to channel of Ashley River: *Provided*, That all property in the city of Charleston purchased since the first day of January, one thousand eight hundred and sixty-three, shall pay full tax; nor upon any of those lots, lands or buildings within any city, town, village or borough, the buildings on which have been damaged by the shot or shell of the enemy, or which may pass into the possession or under the control of the enemy before the first of April next; nine dollars per hundred dollars on factorage, employments, including persons engaged in inland navigation by steam and sail boats, steam saw mills, hotel-keepers, keepers of boarding-houses and restaurants, and other eating-house keepers, keepers of bar-

Lands.

Slaves.

Lots, lands, and buildings.

Property in Charleston exempted.

Factorage, employments.

A. D. 1864. rooms, and lime and charcoal burners; and five dollars per hundred dollars on faculties and professions, including the profession of dentistry. **Faculties** whether in the profession and employment of law or equity the profits be and profes- derived from the costs of suits, fees or other sources of professional in- sions. **come**, except clergymen, school-masters, school-mistresses and mechanics; **Commissions** ten dollars and fifty cents on every hundred dollars on the amount of commissions received by vendue-masters and commission merchants; two dollars per hundred dollars on the capital stock paid in on the first of **Bank stock.** October, one thousand eight hundred and sixty-four, of all banks which, for their present charters, have not paid a bonus to the State; ten dollars per hundred dollars on the capital stock of any bank of issue not incor- porated by this State, paid in on the first day of October, one thousand eight hundred and sixty-four, doing business by agents within the limits of this State; two dollars and fifty cents per hundred dollars on the **Importing** capital stock of all incorporated importing and exporting companies, and **and Export-** on the capital employed by unincorporated companies and individuals in **Express** importing and exporting, and all incorporated and unincorporated express **and Insurance** companies or express firms—said stock and capital to be taxed upon its **Companies.** market value upon the first day of October last—said value to be decided by the Comptroller-General; fifteen per centum upon all premiums taken in this State by incorporated insurance companies, and by the agencies in this State acting in behalf of insurance companies and underwriters with- out the limits of this State; three dollars and fifty cents on every hundred **Goods, wares** dollars of the amount of sales of goods, wares and merchandize, embracing **and merchandize.** all articles of trade for sale, barter or exchange, (the products of this State and the unmanufactured products of any of the States of the Confederate States, when sold by the producer, excepted,) which any person shall have made from the first day of January, in the year of our Lord one thousand eight hundred and sixty-four, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-five, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee; ten dollars upon every hundred dollars of the amount of sales of goods, wares and merchandize whatever which **Transient** any transient person, not resident in this State, shall make in any house, **merchandize.** stall or public place, whether the said sale be made by sample or other- wise; one hundred and twenty dollars a day on all circus exhibitions; eighty dollars per day for representing publicly for gain and reward any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the Treasuries of the State of South Carolina, except in cases where the same is now required by law to be paid to incorporations or otherwise; one per cent. on all moneys loaned, moneys at interest, all moneys invested in the stocks or bonds of any individual, State or corporation, other than bonds or stocks of this State or of the Confederate States, and other than the stocks of the banks and railroad companies of this State, and other than the stocks of other companies whose capitals are taxed by this Act: *Provided*, Such railroad companies carry all packages over their roads free of charge to the Central Association in Columbia, to be by them forwarded to the **Commercial** soldiers in the army; fifteen dollars for every hundred dollars of gross **agencies.** receipts of all commercial agencies within the limits of this State; two **Playing-** dollars on every pack of playing-cards sold in this State; two hundred **cards.** dollars upon every billiard-table within this State, used to and for the **Billiard-** tables. **Taxes, to** II. All taxes levied on property, as prescribed in the first section of this **whom pay-a-** Act, shall be paid to the Tax-Collector for the tax District in which said **ble.** property is located: *Provided*, That where negroes have been removed from any District or Parish, by reason of the dangers arising from the

invasion or occupation thereof by the enemy, it shall be lawful to pay the taxes upon the same to the Tax-Collectors of the Districts or Parishes from which said negroes were removed. That all taxes levied on property in this State, during the continuance of the war between the Confederate and the United States of America, may be paid in Confederate notes or other current funds. The commissions to be received by the various Tax-Collectors of this State for the year commencing on the first day of October, one thousand eight hundred and sixty-four, shall be at the rate of thirty per centum of the commissions now allowed them by law, except such Districts and Parishes where, by such reduction, the Tax-Collector will receive less than eight hundred dollars per annum.

III. The Tax-Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, are hereby required and returns of enjoined to state the precise amounts of taxes collected by them for supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the total amount of commissions received by each and every of such Tax-Collectors, and the rate per centum of his commissions, and the Comptroller-General shall return the same in his report.

IV. Free negroes, mulattoes and mestizos are hereby required to make their returns and pay their taxes during the month of April; and the Tax-Collector of St. Philip's and St. Michaels is allowed until the month of June to receive the taxes of white persons.

V. The lots and houses on Sullivan's Island shall be freed from taxation during the existing war between the Confederate and the United States of America, the same being used by the troops of the Confederate States, or exempted by the works for defence.

VI. That the Tax-Collectors be authorized to extend the time for the receipt, and also for the payment, of taxes, and also for the payment thereof into the Treasury of this State, for a period of thirty days beyond the periods therefor hitherto fixed by law.

VII. That the Tax-Collectors whose commissions were paid in the old issue of Confederate Treasury notes after the first of April, one thousand eight hundred and sixty-four, are hereby declared to be entitled to payment out of the Treasury for the loss sustained by them by reason of the tax of thirty-three and one-third per cent, levied on the said notes by the Confederate Government; and the Comptroller-General is hereby authorized to draw upon the Treasury in favor of the said Tax-Collectors for the amount due to them respectively under this provision.

VIII. That the State Auditor shall prepare and present for adjustment and settlement all claims of this State against the Confederate States, and all other claims of the State arising out of the existing war, or which may be referred to him by the Governor, and shall receive all moneys that may be acknowledged and paid by the said Government of the Confederate States, or by other parties on account of the said claims, and deposit the moneys so received in the Treasury of the State, together with a particular account thereof, and make a report thereon to the Legislature at the regular session next succeeding the date of the said settlement.

IX. That in order to relieve the burden of taxation, the net profits of the Bank of the State for the last fiscal year, amounting to eight hundred and eighty-three thousand and fifty-five dollars and seventy-six cents, be used toward the payment of the appropriations made by this General Assembly at its present session, and that a sufficient amount of railroad stocks now held by the State, to be selected by the President of the Bank, be, and the same is hereby, pledged to the Bank at the present value of the said stocks, as a security for the profits so used.

X. That the President of the Bank of the State and the Comptroller-

A. D. 1864.

Police taxes.

Returns of free negroes.

Sullivan's Island ex-empted.

Time of collection ex- tended.

Commissions of Tax-Collectors.

State Auditor to prepare claims against the Confederate Government.

Net profit of Bank of the State applied to reduction of taxes.

A. D. 1864. General be, and they are hereby, authorized to raise temporarily, and in such manner as they may deem proper (other than by the issue of State bonds), any amount that may be required to meet the demands upon the Treasury before the payment of the taxes, and in anticipation thereof.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4700. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, fifteen hundred dollars; for the Clerk of the Governor, nine hundred dollars; for the rent of the Governor's house, twelve hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the Contingent Fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for, annually, by him, to the Legislature.

II. In the Legislative Department: For the pay of the members of the Legislature, and the Attorney-General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its Branches, twenty-five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, twenty-four hundred dollars—and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the Senate, and two hundred and fifty dollars for the Clerk of the House; for the salaries of two Messengers and two Door-keepers, each two hundred and fifty dollars; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for the services of the Engrossing Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, six hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, thirty-five thousand dollars, if so much be necessary, for the printing executed by the said Printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank, Comptroller-General, and State Auditor, with the accompanying documents, and such like papers, thirty-two thousand five hundred dollars, if so much be necessary: *Provided*, The number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasury of the Upper Division before the first day of March next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And fur-*

ther provided, That the Printer of Acts and Journals do publish in a newspaper, in Charleston or Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature, and forward by mail, to each member of the General Assembly, each of the Judges, Attorney-General, and each of the Solicitors, a copy of such newspaper, as soon as such newspaper is issued; to Charles P. Pelham, printer of the permanent work, to pay him the balance due for public printing, seven thousand dollars, if so much be necessary; to the Keeper of the State House, for contingent expenses during the present session of the Legislature, five thousand dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, and expenses for election returns, seven thousand dollars, if so much be necessary; that the Clerks of the two Houses be each paid the sum of twelve hundred dollars, and that the Door-Keepers, Messengers and Reading Clerks of the two Houses be each paid the sum of two hundred and fifty dollars, in addition to their ordinary salary, for their services at this session.

A. D. 1864.

III. In the Judiciary Department: For the salary of the Chief Justice, three thousand five hundred dollars; for the salaries of the Judges and Chancellors, three thousand dollars each; for the salary of the Attorney-General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; For the Clerk of the Court of Appeals, in Columbia, six hundred dollars; for the Clerk of the Court of Appeals, at Columbia, for excess of expenditures over appropriation for wood and stationery for said Court, seventy-five dollars; for the salary of the Messenger of the said Court, at Columbia, two hundred dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals, in Columbia, two hundred dollars, the same to include the expenses of fuel for the Court of Appeals and for the Library; for the salary of the Clerk of the Court of Appeals, in Charleston, six hundred dollars; for the salary of the Messenger of the said Court, two hundred dollars; for the salary of the Librarian of the Court of Appeals, in Charleston, two hundred dollars, to include the expense of fuel for the Court of Appeals and for the Library; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid, for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant, to be drawn by the presiding Judge of the Court of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts: *Provided*, That the Judges of the Court of Appeals may, if they think proper, announce the results of their decisions at certain stated periods before filing their opinions: *And further provided*, That the said Reporter shall publish, in one or more of the newspapers of Columbia, an abstract of the principles decided by the Court of Appeals in its opinions, as soon as practicable after the delivery of the same; for the pay of the Jurors and Constables, ten thousand dollars, if so much be necessary, the certificates to be paid at either Treasury.

Judiciary Department.

IV. In the Treasury Department: For the salary of the Comptroller-General, two thousand dollars; for the salary of the Clerk of the Comptroller-General, one thousand dollars, the said Clerk to be appointed and removed at the pleasure of the Comptroller-General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars;

Treasury Department.

A. D. 1864. for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, one thousand dollars; for the services of the Comptroller-General, for copying tax-books, two hundred dollars; and for additional compensation to the Treasurer of the Lower Division, for the performance of the additional duties imposed upon him, by an Act entitled "An Act to authorize the issue of certificates of stock to provide for the military defence of the State," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, four hundred dollars; for printing and distributing tax returns, seventeen hundred dollars.

Ordinary civil expences. **V.** For the Ordinary Civil Expenses: For the payment of the Contingent Accounts of the Upper Division, eleven thousand five hundred dollars, if so much be necessary; for the payment of the Contingent Accounts of the Lower Division, twenty-eight thousand five hundred dollars, if so much be necessary; for the payments of annuities and pensions, six hundred dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, fifty thousand dollars, if so much be necessary; for the payment of such claims for slaves lost in the public service as shall be admitted by the Legislature at its present session, five hundred and seventy thousand dollars, if so much be necessary, to be paid upon the warrant of the State Auditor; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several Election Districts in the State, in the proportion of six hundred dollars to each representative in the popular branch of the Legislature; for the support of the Lunatic Asylum, two hundred thousand dollars, if so much be necessary, to be paid as other appropriations for that institution, to the draft of the Chairman of the Board of Regents; that the charge of sixteen thousand five hundred and twenty-nine dollars and thirty-four cents, standing upon the books of the State Treasury against the Board of Regents of the said Asylum, being the amount drawn by the said Board for the support of the pauper lunatics during the past year, be cancelled; for the education of the Deaf and Dumb, and of the Blind, forty thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the reports of the Committees of Ways and Means and of Finance and Banks, agreed to by the Legislature, one thousand dollars, if so much be necessary; for compensation for slaves executed, five thousand dollars, if so much be necessary; for the payment of the interest on two millions one hundred and fifty thousand five hundred and ninety dollars of bonds and stocks, issued for the construction of the new State Capitol, one hundred and thirty-five thousand and sixty-seven dollars; for the payment of the interest on three hundred and ten thousand dollars of the bonds of the State, issued under an Act entitled "An Act to grant aid to the Blue Ridge Railroad," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, eighteen thousand six hundred dollars; for the payment of the interest on the balance of four hundred thousand dollars of bonds of the State, issued for the military defence of the State, twelve thousand dollars; for the payment of the interest on three hundred and ninety-one thousand one hundred and fifty dollars, issued for the military defence of the State, twenty-five thousand three hundred and eighty dollars and fifty cents; for the payment of the interest on one million five hundred and fourteen thousand seven hundred and ten dollars of the bonds and stock authorized to be issued for the military defence of the State, one hundred and six thousand and twenty-nine dollars and seventy cents.

VI. For Military Expenditures: For the salaries of the following

officers, viz: Adjutant and Inspector-General, thirty-six hundred and twelve dollars; Quartermaster-General, two thousand three hundred and forty dollars; the Assistant Quartermaster-General, fifteen hundred and sixty dollars; Commissary-General, two thousand three hundred and forty dollars; Assistant Commissary-General, fifteen hundred and sixty dollars; Arsenal Keeper, in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver, at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard, at Charleston, each five hundred dollars; T. R. Aldrich, Physician of the Jail at Charleston, two hundred and fifty dollars, to reimburse him for money spent for the purchase of medicine for prisoners in said Jail; and for the support of the Military Academies at Charleston and Columbia, one hundred and forty-seven thousand two hundred dollars, if so much be necessary; and the said Military Academies shall be under the direction of the Board of Visitors: *Provided*, That each District shall be entitled to send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or in that proportion, as far as the appropriation for the school may allow; for the salary of the Assistant Adjutant and Inspector-General, one thousand five hundred and sixty dollars; for the services of the Secretary of State, during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of all civil officers, eight hundred dollars, to be paid as other salaries are directed by law; to defray the expenses attendant upon the military defence of the State, two million dollars, to be paid upon the draft of His Excellency the Governor, and that an account thereof be rendered to the next regular session of this General Assembly: *And provided*, That all accounts and returns by public officers of the receipts and disbursements of funds appropriated for military purposes shall be rendered quarterly to the State Auditor for examination and audit, and the report of the Auditor thereon shall be annually transmitted through the Governor to the Legislature.

VII. For Ordinary Local Expenditures: For the support of the transient poor of Charleston, ten thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician, including boat hire and other incidental expenditures, twelve hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire-Proof Building in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, four hundred dollars, to be paid to and expended by the Commissioners of the Poor of Winyah, to be accounted for by them to the General Assembly; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioner of Roads for St. Andrew's Parish; for maintaining and keeping open the Roper Hospital, in Charleston, three thousand dollars, to be paid to the Medical Society, in trust for the Roper Fund, to defray the expenses of the said Hospital; for the support of the Catawba Indians, twelve hundred dollars, if so much be necessary.

VIII. For Extraordinary Expenditures: For the support of the transient poor of Columbia, two thousand dollars, to be paid to the City Council of Columbia, and accounted for by them to the General Assembly; for the Marine School of Charleston, ten thousand dollars, to be paid to the Charleston Port Society, upon the draft of the President, countersigned by the Secretary; the sum of twenty-five hundred dollars to be paid to William J. Rivers, to be paid as the salaries of other officers of the State are paid by law, for recording the names of those who have fallen in the war, either by disease or wounds, and he shall report at the next regular

A. D. 1864.

Military Expenditures.

Ordinary Local Expenditures.

Extraordinary Expenditures.

A. D. 1864.

Proviso.

session of the General Assembly; to James Tupper, Esq., Auditor, five thousand dollars, to be paid to him as are the salaries of other officers, and also such amounts as shall be necessary to defray his expenses for stationery and printing, in addition to his salary; for the Central Association for the relief of South Carolina soldiers, the sum of one million dollars, if so much be necessary, to be paid upon drafts of their Chairman, countersigned by their Treasurer, to be expended in purchasing and forwarding to our soldiers, and to such of our prisoners as are in the hands of the enemy, shoes, blankets, clothing, and other articles of necessity, and in such other manner as may conduce to the comfort and welfare of our soldiers, and that the said Association do account therefor quarterly before the State Auditor: *Provided*, That the Agent of said Association shall, when he delivers such articles to the Quartermasters of regiments, take a receipt therefor, which receipt he shall transfer to the State Auditor as a claim against the Confederate Government; for the relief of the families of soldiers, the sum of four hundred and fifty thousand dollars, to be paid as directed by the Act passed at the present session of the Legislature "To provide for the relief of the families of the soldiers, sailors and marines in the service of the State or the Confederate States," and the Boards of Soldiers' Relief shall respectively make an annual report on the first day of November of each year to the State Auditor, to be by that officer consolidated and reported to the next succeeding Legislature; the sum of seven thousand five hundred dollars to be paid to George W. Morse on his draft, as compensation for the use of his patent in constructing the breech-loading carbine, and his other inventions for the improvement of fire-arms, to be paid as the breech-loading carbines now being manufactured at the State Works are completed, at the rate of fifteen dollars for each carbine; for the salaries of three assistants of the Auditor, to be appointed by him, six thousand dollars; for the salary of John R. Niernsee, Acting Superintendent and Architect of the new State House, three thousand dollars, to be paid as the salaries of other officers; to carry into effect the Act passed at the present session "To provide for the relief of the families of the soldiers, sailors and marines in the service of the State or the Confederate States," five thousand dollars, if so much be necessary, to be drawn by the State Auditor and accounted for by him to the next regular session of the Legislature; for the Wayside Home, at Charleston, fifty thousand dollars, to be drawn by the Treasurer of the said Wayside Home; for the Wayside Home, at Columbia, fifty thousand dollars, to be drawn by the Treasurer of the said Wayside Home; for erecting temporary barracks for Cadets of the Citadel Academy, fifteen thousand dollars, to be drawn as other appropriations for the State Military Schools; for the services of General James Jones, as Chairman of the Board of Visitors of the Military Schools in this State, and as Superintendent of the Card Factory of the State, five thousand dollars; two thousand dollars for keeping in repair the State Road over the Saluda Gap, if so much be necessary, to be paid to, and expended by, the Commissioners of Roads of the Upper Regiment in Greenville District, to be accounted for to the Legislature agreeable to the report of the Committee on Internal Improvements; for extra services of the Comptroller-General during the past two years in carrying out the provisions of the law in relation to the relief of soldiers' families, two thousand dollars, to be drawn by that officer; five thousand and twenty-two dollars and fifty-five cents, to cover the expenses of the Commissioners on the Code of the Statute Law of the State, pursuant to the resolutions of the Legislature heretofore passed.

Medical and IX. That the sum of twenty thousand dollars, if so much be necessary, Engineer De- be, and is hereby, appropriated, to be paid out of the Military Fund, for partments.

OF SOUTH CAROLINA.

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the pay of the Medical and Engineer Departments of this State, to be organized by His Excellency the Governor.

A. D. 1864.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO PROVIDE FOR THE RELIEF OF THE FAMILIES OF THE SOLDIERS, SAILORS AND MARINES IN THE SERVICE OF THIS STATE OR THE CONFEDERATE STATES.

No. 4701.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax in kind of three per cent. on the gross amount of all rice, corn, wheat, and syrup made of sorghum or other cane, produced in the year of our Lord one thousand eight hundred and sixty-four, shall be paid by the producer in every District or Parish in this State: *Provided*, That no tax be levied on corn where the gross amount of corn produced does not exceed one hundred bushels, or on syrup where the amount of syrup does not exceed fifty gallons, or on wheat where the amount does not exceed twenty bushels, or on rice where the amount does not exceed fifty bushels of rough rice: *And provided, also*, That the producer of wheat shall have leave to substitute forty pounds of flour in place of each bushel of wheat; and that a like tax of three per cent. shall be paid by the owners of all toll grain-mills on all toll collected during the year one thousand eight hundred and sixty-four; and that a like tax in kind of three per cent. shall be paid by the manufacturer upon the gross amount of all cotton and woolen goods, including yarns, and upon all iron, and upon nails and other iron wares, cotton and wool cards, hats, caps, paper, stoneware and pottery, leather, shoes and boots, salt and copperas, spirituous liquors, terebene oil and turpentine, manufactured within this State during the year one thousand eight hundred and sixty-four, except such as may have been made for his or her own use, and not for sale or barter: *Provided*, That upon all articles made for the State of South Carolina, or for the Confederate States of America, the tax shall be three per cent. in money upon the amount received from the State or the Confederate States for such manufactures.

Tax in kind.

Certain quantity exempted.

Tax on toll grain.

Tax on manufactures.

Communtation in money.

II. That there shall be annually appointed by the General Assembly, upon the nomination of the delegation in both Houses from each Election District in this State, a Board, to consist of not less than three nor more than twenty-four members, who shall be above the age of forty-five, or exempted from Confederate military service. The said Boards shall divide their respective Districts or Parishes into sections equal to their own number, assigning one member of the Board to each of these sections. The said Boards shall be, and are hereby, authorized to fill all vacancies in their own number arising from any cause; they shall meet upon the call of their Chairman, as well as by their own resolution, and a majority of each Board shall constitute a quorum. They shall receive blanks from the office of the State Auditor, upon which they shall make quarterly returns to the State Auditor of all their transactions, and shall also furnish an annual report to the State Auditor by the first day of November, one thousand eight hundred and sixty-five. The said Boards shall each appoint a Secretary and Treasurer from their own body or otherwise, who shall be above the age of forty-five years, or exempted and Treasurer

Boards of Relief.

Duties.

Secretary and Treasurer

A. D. 1864.

Duties.

Compensation.

Basis of assessment.

Excess, how disposed of.

Penalty for failure to deliver.

Proviso.

Commutation in certain cases.

from Confederate military service, who shall keep a record of all transactions, and be responsible to the Board, and shall give a bond for the faithful performance of the duties of his office, payable to the State, in such sum and with such sureties as the Board may direct. He shall receive, as a compensation for his services, one per cent. on the amount of money passing through his hands. The members of these Boards, with their respective Treasurers, shall not be liable to do militia duty outside of the Judicial District within which they reside.

III. That for the purpose of ascertaining and collecting the tax in kind on rice, corn, wheat and syrup, levied by this Act, the above-mentioned Boards shall adopt, as the basis upon which they are to assess said tax, the amount of the product of each producer, as returned to the Confederate assessor for the year one thousand eight hundred and sixty-four, as the tax in kind of the Confederate Government, adding thereto, however, in each instance, the amount deducted by the Confederate assessor for the raising and fattening of pork, and including the crops of all producers who raise more than one hundred and less than two hundred bushels of corn, which shall be ascertained by each Board by such method as to them shall seem best, or each Board may ascertain and assess this tax by such other method as to it may seem best, each Board itself to pay out of its receipts the expenses incurred by such method; and for the purpose of collecting said tax, each member of a Board is hereby authorized to draw his order for said tax upon any producer within the section assigned him, to be delivered to such person or persons as may be named, and in such proportion as the Board may deem just and proper—the order to be the voucher for the payment. In such sections or Districts in which it shall

appear that there is an excess of provisions or manufactured articles under this Act, such excess shall be delivered at such time and place as the Commissioner shall order, after ten days' notice, for the purpose of being transported to other sections or Districts of the State: *Provided*, That no person shall be required to deliver his produce at a distance exceeding twelve miles from the place of production. In the event that any person

liable shall fail or refuse to deliver the amount of said tax on the order of the Commissioner within the time prescribed, the Commissioner in charge, or some person for him, shall give information thereof, on oath, to the Chairman of the Board, who, on receipt of such information, is hereby authorized, after two days' notice to the delinquent, to issue an execution against the delinquent, directed to the Sheriff of the District, requiring him to levy and seize double the amount of the articles in kind for which the delinquent was liable, if to be found; and if not, then to levy and collect of his goods and chattels three times the amount of the market value of the tax in kind—said market value to be estimated by the Board, whose decision shall be final; the cost of the proceedings to be paid by the defaulter, to be regulated by the fee bills for Sheriff's costs in cases of executions issued from the courts of law: *Provided*, That if any tax-payer shall satisfy the Board, either by his own oath or by the testimony of others, that, prior to the ratification of this Act, he, the said tax-payer, had consumed, or sowed, or sold, the whole quantity of wheat which he may have raised during the year, then the said tax-payer shall, and may, pay his wheat tax by substituting corn therefor at the rate of a pound of corn for a pound of wheat.

IV. That in all cases where planters have been, or may be, required by the Confederate or State authorities to deliver, on or before the first of January next, all their surplus corn, for the use of the army, they shall

be allowed to commute with the Board for the corn due by them at Confederate prices; *Provided*, They satisfy the Board that they have in good faith furnished all their surplus corn as aforesaid: *And provided, further*, That the Board thus compelled to receive money in commutation shall

have the right to call upon the Commissary-General of the State to obtain for the Board from the Confederate Government the amount of corn thus commuted for at the prices paid by the Confederate Government.

A. D. 1864.

V. That for the purpose of ascertaining and collecting the tax in kind on manufactured goods mentioned in the first section of this Act, the Boards in the Districts in which such manufactoryes may be situated shall require the owner or owners, or person or persons in charge of such manufactoryes, to deliver to the said Boards, on or before the first of February next, three per cent, in kind of all goods taxed in kind under the first section of this Act, which have been manufactured or produced at their respective establishments during the year one thousand eight hundred and sixty-four, or three per cent, in money on all money due under the first section of this Act; and it shall be the duty of each Board to report to the State Auditor the amount, kind and quality of such manufactured articles, and the amount of moneys so received; and the said Board shall hold the articles received as tax in kind, subject to a distribution amongst the several Boards, to be made by the State Auditor, as hereinafter provided; and the Board shall pay over to the State Auditor the money received, which shall be held by him liable to distribution, as hereinafter provided. In the event that any manufacturer or manufacturing company, or any other person or persons upon whom is levied this tax in kind for articles made or manufactured, shall fail or refuse to make returns on oath, (which oath either of said Commissioners is hereby authorized to administer,) on or before the first day of February next, it shall be the duty of the Board to notify the party, his or her clerk or agent, that, unless the return be made within ten days after such notification, the Board will proceed to estimate the amount of his manufactured products, which they are hereby authorized to do, and to assess upon him a tax in kind of six per cent, thereon; and the Chairman of the Board shall issue an execution to the Sheriff of the District, requiring him to levy and collect the articles in kind for which the delinquent is liable, if to be found; and if not, then to levy and collect of his goods and chattels three times the amount of the market value of such tax in kind—said market value to be estimated by the Board, whose decision shall be final: *Provided*, That when it shall appear that in good faith the article manufactured has been disposed of before the ratification of this Act, and cannot be supplied in kind by the party, then the Board, if in its judgment it shall seem just, is hereby authorized to allow commutation; and the rate of commutation thus allowed shall be fixed by the Board at their estimate of the market rate of the article on the first of March, one thousand eight hundred and sixty-five, and the decision of the Board as to the market value shall be final.

VI. That the sum of four hundred and fifty thousand dollars be, and the same is hereby, appropriated for the purposes of this Act, which amount shall be raised exclusively from subjects of taxation not embraced in this Act; that is to say, it is not to be raised from lands, negroes, and capital invested in manufacturing establishments engaged in manufacturing the articles enumerated in the first section of this Act. The amount of money thus appropriated shall be paid to the order of the State Auditor, and shall be disposed of by him as hereinafter provided.

VII. That the said money, together with the tax in kind levied under the first section of this Act, shall be, and is hereby, appropriated to the relief and support of the indigent families of the soldiers, sailors and marines of this State, who have been, are now, or hereafter may be, in the military or naval service of the State of South Carolina or the Confederate States of America, and shall be distributed to the Boards of Relief of the several Election Districts in proportion to the number of individuals in their respective Districts on the first of February next, who may be entitled to receive aid or support according to the provisions of

Tax on manufactured goods to be delivered.

Boards to report to Auditor.

To pay to Auditor all money received.

Penalty for neglect to make returns and pay tax.

Commutation.

Appropriation.

Distribution of money and taxes.

STATUTES AT LARGE

A. D. 1864. this Act. And it is hereby provided that the persons thus to receive support shall be the wives or widows of said soldiers, sailors and marines,

Persons entitled to receive aid. their children under twelve years of age, (the Board to assist older children only in extreme cases,) and such other persons, not actually in military service, as, in the judgment of the respective Boards, were or are dependent on the labor of the soldier, sailor or marine, and are incapable of self-support—the case of each claimant to be decided not by a single

Amount of Commissioner, but by the Board itself. The amount of rice, corn and relief to be granted. wheat to be furnished to each individual entitled to relief shall not, in the aggregate, exceed ten bushels per annum, to be furnished in such proportions as the respective Commissioners may find most expedient; and in order to attain as nearly as practicable to equality, each Board of Commissioners shall prepare and forward a special return to the State Auditor, on or before the first day of March next, setting forth the names and number of persons within their respective Districts or Parishes to be provided for, and what amount of produce of each kind they have received or are entitled to; and it shall be the duty of the Auditor, on receipt of said returns,

Auditor to prepare statement. to make a tabular statement, showing the number to be provided for in each District, the amount received by each Board, and the distributive share to which the total quantity of grain and other supplies will entitle each individual to be provided for as aforesaid; and the Auditor is hereby authorized to issue requisitions upon those Boards having an excess over the average supply, and in favor of those Boards whose supply is deficient. And the Auditor is hereby authorized and directed to have the excess transported to the respective Districts, and to obtain such assistance in said transportation as may be necessary—the expense of such transportation to be paid out of the commutation fund and the moneys appropriated under this Act; and the Auditor is hereby authorized to retain, in any division of the said funds, an amount sufficient to defray said costs, and only to make a final division of the whole amount after such transportation has been effected: *Provided, nevertheless,* That no excess shall be drawn from any District which shall not leave the amount of five bushels grain for each of grain for the whole year for each individual thus assisted: *And provided, further,* That when the amount of five bushels of grain for each individual assisted is neither furnished to the Board from the Election District itself, nor from the excess drawn from other Districts, the Board of such Election District is authorized to purchase such an amount of grain as shall make up the deficiency, so as to give to the Board five bushels for each person under its charge; and the amount thus expended in such purchase shall, upon the order of the Chairman of the Board upon the State Auditor, be refunded from the money appropriated under this Act, and from the funds which may be received for commutation: *Provided, nevertheless,* That it is hereby enjoined upon the respective Boards that such deficiencies be supplied at the cheapest rates possible; and for this purpose they are hereby authorized, if it shall appear best, to make such purchases through the Commissary Department of the State. After so much of the funds appropriated or obtained under this Act shall have been so expended as to secure to the Boards five bushels of corn for each individual under their charge, the balance of the funds shall be distributed, as

Distribution of money. soon as practicable, to the respective Boards, upon the order of the Chairman of each upon the State Auditor—said distribution to be made to the Boards in proportion to the number of individuals under the charge of each Board on the first day of February, one thousand eight hundred and sixty-five: *Provided,* That if any of the Boards shall fail to render to the State Auditor the statement of the number of their beneficiaries before the first day of March next, the Auditor shall take the last statement received by him from the said Board of the number of persons under its charge as the basis upon which he shall proceed to make the distribution:

And provided, further, That the provisions of this Act, as to the payment of excess by the several Boards, shall have been complied with.

A. D. 1864.

VIII. The tax in kind levied upon the various manufactured articles in the first section of this Act, and embracing all the articles named except rice, corn, wheat and syrup, shall be divided out in kind, so far as practicable. The Board of each District shall be entitled to receive as many packages or pounds, or other measures, as shall be equal to the number of individuals under its care, or any multiple or proportion of such number, whenever the articles thus manufactured in the State will allow of this division, and shall be required to use every practicable means of distributing these articles in kind, if they be needed. Wherever, upon such division, any surplus remains, or where the article manufactured is, in the opinion of the Board and of the State Auditor, incapable of distribution, it shall be lawful for the Board which collected the same, with the advice and consent of the said State Auditor, to sell at auction the manufactured articles at a time and place to be mutually fixed by the Board and the Auditor, or, in the event of disagreement, by the Governor of the State; and the proceeds of the sales thus made shall be received by the State Auditor and distributed to the respective Boards, in like manner and according to the same provisions with the other moneys appropriated or collected under this Act.

Division of tax in kind.

IX. The Boards provided for by this Act shall be known as the Soldiers' Boards of Relief. The term year, as used in this Act, is not the fiscal year year. of the State, beginning October first and ending September thirtieth, but the calendar year, beginning with the first day of January and ending with the thirty-first day of December.

X. That the Commissary-General of the State is authorized to render such assistance to the State Auditor, in the discharge of the duties imposed upon the latter officer by this Act, as may be requisite, and not inconsistent with the regular duties of the department of the Commissary-General.

XI. No Board shall be entitled to draw any portion of the commutation fund, or the money appropriated by this Act, until it shall have paid over to those Boards entitled to receive it any excess which it may owe for the year one thousand eight hundred and sixty-five, according to the distribution to be made by the Auditor from the returns to be made to him on the first of March next; and the excess of the tax in kind upon grain and manufactured articles for the relief of soldiers' families in this State, for the year one thousand eight hundred and sixty-four, now remaining in the hands of any of the various Boards of Relief, or due to them by any person or persons, shall be delivered, upon the requisition of the Auditor of this State, to such Boards as have not received their *pro rata* shares; and the Auditor is authorized and required to make such requisitions, and procure the distribution of said tax in kind as early as practicable, upon such principles as, in his judgment, may seem most equitable and just.

XII. In the event that any District Board shall refuse or neglect to send the excess due by it to another District, no person who shall be a member of the Board at the time of such refusal shall be eligible to membership upon it thereafter, unless he can show his want of complicity in such refusal.

XIII. The families of free negroes who have been employed in the military service of the State of South Carolina, or the Confederate States of America, as laborers or otherwise, shall be entitled, at the discretion of the respective Boards, to the benefit of the provisions of this Act.

XIV. That the several Boards of Relief in the Election Districts are hereby authorized, in their discretion, to purchase provisions and necessities for the benefit of the soldiers' families with the money appropriated under this Act.

Surplus, how disposed of.

Limit of year.

Duties of Commissary-General.

Board to deliver excess.

Penalty for neglect.

Board authorized to purchase provisions.

A. D. 1864.

XV. That all Acts and clauses of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4703. AN ACT TO REPEAL ALL ACTS AND PARTS OF ACTS HERETOFORE PASSED BY THE LEGISLATURE OF THIS STATE ON THE SUBJECT OF FURNISHING SLAVE LABOR ON THE COAST AND FORTIFICATIONS WITHIN THIS STATE, AND OTHERWISE TO PROVIDE FOR FURNISHING SUCH LABOR.

Force of slaves to be organized. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in order to furnish the necessary slave labor to work on the coast of this State and the fortifications within the limits of the same, there shall be organized a force, consisting of male slaves between the ages of eighteen and fifty years, liable under existing laws to road duty, not exceeding in number, at any one time, of one-tenth part of said slaves, to serve for the term of twelve months from the date of their impressment, subject, however, to the right of their respective owners, at the expiration of every three months of said term of service, to substitute other slaves so liable to road duty in their place, and who by such substitution shall constitute a portion or the whole of said force, as the case may be, from the respective dates of such substitution. This force shall be raised by a general impressment throughout the whole State, whenever His Excellency the Governor may order or direct such agent of the State as he may appoint to make such

Impressment of slaves. under the provisions of this Act. But if the impressment of a less number than one-tenth would produce should be found to be sufficient, then the impressment shall be made on the State at large, according to one uniform rule of equality, to be prescribed in the order of the Governor directing such impressment to be made by the State Agent; and whatever number greater than ten shall be so prescribed as a divisor to make the apportionment by, no fraction of slaves either below or above such number selected as a divisor shall be considered or taken into the apportionment, unless it is at least one-fifth or more of such divisor; and in such cases, the fraction of one-fifth shall be taken by requiring the party owning it to furnish one hand for two months, with the same right of substitution as in case of whole numbers; and the same rule as to fractions shall be observed where the number ten is used as the divisor in making the apportionment.

State Agent. II. It shall be the duty of His Excellency the Governor to appoint a State Agent, such Agent to be selected from the class of persons not liable to conscription in Confederate military service, if the services of a suitable Agent can be secured from said class, who shall receive for his services the pay of a Lieutenant-Colonel of infantry, as allowed by the Confederate Government, during his employment, to be paid to him monthly by the State.

Duties of State Agent. III. That it shall be the duty of the State Agent aforesaid, immediately on the reception of any order from His Excellency the Governor to make impressment of slaves under the provisions of this Act, to extend such

Sheriffs. order to the Sheriffs of the several Judicial Districts of the State, whose duty it shall be to execute the same in their respective Districts; and it

Commissioners of Roads. shall be the duty of the Commissioners of Roads and the authorities of incorporated cities, towns and villages, and such other person or persons

as the State Agent may appoint, to furnish to the Sheriffs of their respective Districts, within thirty days after the passage of this Act, a full and correct return of all male slaves liable to road duty within their respective jurisdictions—which returns shall be based on statements furnished by the owners of such slaves, sworn to in writing—such statements to be returned to the Secretary of the Boards of Commissioners of Roads, and by them kept on file. And it shall be the duty of the said Sheriffs, upon being duly notified by the said State Agent of any order for the impressment of slaves as aforesaid, thirty days before, to summons all owners liable under said order to furnish slaves to have the slaves so liable at the respective depots, and at the proper time, giving ten days' notice thereof to the owners, for transportation to the place of labor as may be directed by said order. And the said Sheriffs shall, in their respective Districts, with the assistance of a respectable loyal citizen, to be chosen by the owner of each slave, if he will, and if not, by the Sheriff, appraise said slaves on their delivery at said depots—and in case of their disagreement, they shall select a third citizen of like qualification, whose decision shall be final—and give receipts to the owners for them, specifying in said receipts the names of the slaves, the valuation put upon them, and the term of service for which they are impressed—a duplicate of which receipts shall also be furnished by the several Sheriffs to the State Agent. And if, upon the day and at the place so notified, any owner of slaves so liable shall fail to have them in readiness, then the Sheriff of the District where such owner resides shall immediately arrest such slaves and send them forward to the place of labor—the costs of such arrest, subsistence of slaves, and transportation, to be paid by the defaulting owner, and to be taxed and collected as other costs now are by law. And where there is such default, failure, or refusal to send slaves, after due summons to the owners by the Sheriff, and the said slaves are taken by the Sheriff, the slaves of such defaulters shall labor and serve on the military defences for twice the period of time specified in the call made by the Governor: *Provided*, That the slaves thus furnished shall not be detailed for any other service than such work as is intimately connected with the defence of this State.

IV. That the State Agent may, with the consent of the Governor, appoint such other sub-agents as may be found necessary and proper to the execution of the provisions of this Act. But in no case shall he appoint any person as such agent who is liable to conscription in Confederate service, and physically able for active service in the army. Such Agents shall be paid by the State eight dollars per day for their services, at the end of each month.

V. The respective Sheriffs, for their services rendered under the provisions of this Act, shall be paid by the State eight dollars per day while actually engaged in the discharge of said duties, besides their costs for arrests and fees for dieting prisoners so arrested in pursuance thereof, which latter shall be paid by the owners of said prisoners.

VI. That the pay for such slaves shall be eleven dollars per month, and be furnished with sufficient rations and two suits of clothes during the term of one year, or one suit of clothes every six months, including two pairs of shoes and one hat for the year, by the State, or a fair commutation in money for the clothing if furnished by the owner. And that it shall be the duty of the State Agent to certify the pay-bills for the pay of the said slaves for their respective owners, specifying the number of said slaves, the time they have been employed, and the names of the owners; which bills, so certified, shall entitle the owners, by themselves or their order, endorsed thereon, to receive the same from the State, and said bills shall be forwarded to the Sheriffs of the respective Districts where the owners reside, to be delivered by them to said owners.

VII. That the Commissioners of Roads, city, town and village author-

A. D. 1864.

Sheriffs to summon owners to send slaves.

Appraise-ment of slaves.

Defaulters to be arrested and forwarded

Sub-agents to be appointed ed.

Compensa-tion of sheriffs.

Pay and ra-tions for slaves

State Agent to certify bills,

A. D. 1864. **ities, for neglect of any of the duties required of them respectively by this Act, shall be liable to indictment, and, upon conviction, fined in a**

Penalty for sum not exceeding one hundred dollars. And that any Sheriff who shall neglect or refuse to discharge any of the duties required of him by this duty.

Act, shall be liable to be indicted and punished, upon conviction, as for a misdemeanor, in addition to liability on his official bond to any person who may have been aggrieved by such default.

State Agent to visit and inspect slaves. **VIII.** **That it shall be the duty of the State Agent to visit all the camps of the laborers, to examine their condition, to observe their treatment and discipline, to examine their food, both as to quality and quantity, and to see that it is the proper ration for each, as is allowed by law, as well as their clothing, and especially to inform himself as to their medical and surgical attendance and care, and, whenever required, to report the same to the Governor; and, particularly, at the conclusion of the term of service of each levy, it shall be his duty to make such report to the Governor, in whose possession it may be open for examination by the owners of the said slaves. And it shall also be his duty to prohibit the infliction of corporal punishment by one slave upon another, and shall require that if a slave is to be punished for any default of his duty, the punishment shall be administered by a white man in authority. And for the neglect or refusal of said Agent to discharge faithfully any of his duties as prescribed by this Act, he shall be subject to removal from office by the Governor, as well as liable to an action for damages by any individual who has been injured by his negligence or default of duty.**

Penalty for neglect of duty

Transportation to be furnished. **IX.** **Transportation shall be furnished by the State Agent for slaves impressed under this Act, at the expense of the State, going to and returning from the place of labor home and in returning, also with sufficient rations to last them home; and transportation shall be furnished in like manner for substitutes in going to and returning from said place of labor. And an account shall be kept by said Agent of all expenditures incurred and paid by the State in providing the slave labor aforesaid, and in carrying this Act into full execution, which shall be annually deposited by him in the office of the Governor of the State, to be presented or preferred by him as a claim by this State against the Confederate Government for payment.**

Expenses to be paid out of public funds. **X.** **It shall be the duty of the Governor and the State Agent to have all slaves returned to their owners upon the expiration of the term of service for which they were impressed; and the owners of such as may have been killed, or died from disease, during their term of service, shall not be liable to supply their places with other slaves for the unexpired portion of said term of service.**

Impressment by Confederate Government. **XI.** **If the Confederate Government should make any impressment of slave labor over and above what is to be furnished by the provisions of this Act, in view of greater emergencies than are contemplated in this Act, then and in that event the owners of such slaves shall have credit as for so much labor furnished for coast duty.**

Repeal of former Acts. **XII.** **That all Acts and parts of Acts heretofore passed by the Legislature of this State on the subject of furnishing labor on the coast or fortifications be, and the same are hereby, repealed.**

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

**W. D. PORTER, President of the Senate.
R. B. BOYLSTON, Speaker House of Representatives.**

OF SOUTH CAROLINA.

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AN ACT TO PROCURE SUPPLIES AND FURNISH THE IMPLEMENTS OF AGRICULTURAL AND MANUFACTURING INDUSTRY FOR THE SOLDIERS AND PEOPLE OF THE STATE OF SOUTH CAROLINA, BY THE PURCHASE OF A SHIP OR SHIPS, AND THE IMPORTATION AND EXPORTATION OF CARGOES.

A. D. 1864.

No. 4703.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of procuring supplies for the soldiers of the State of South Carolina, and arms for its defence, and agricultural and mechanical implements and stores for the benefit of its people, one or more vessels shall be purchased and owned exclusively by the State.

Purchase of vessels.

II. That for such purchase there shall be appropriated the proceeds of the stocks or bonds authorized to be issued under an Act entitled "An Act to procure supplies and furnish the implements of agricultural and manufacturing industry for the soldiers and people of this State, by a union of the State with the Importing and Exporting Company of South Carolina," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three.

Appropriation.

III. That a Commission, to consist of the Governor of the State, the President of the Bank of the State of South Carolina, and Messrs. Theodore D. Wagner, William C. Bee, J. K. Sass, Rufus M. Johnson and James P. Boyce, is hereby created, who shall have charge of the funds appropriated under this Act, and shall employ them, and any profits arising from exporting and importing, in the purchase of a vessel or vessels, and in the purchase and exportation of cotton and other products, and in the purchase and importation of such supplies as may be needed by the State of South Carolina, or the soldiers or citizens thereof—making such distribution of articles imported, and through such channels, as may most effectually accomplish the objects of this Act; and that they report annually to the Legislature.

Commission.

IV. That any agent or agents appointed by the said Commissioners shall receive, for his or their services, a fixed salary.

Salary of Agents.

V. That no freight on private account shall be exported or imported in such vessel or vessels so to be purchased and owned, except when for the manifest advantage of the State, and actually necessary for the better accomplishment of the purposes of this Act.

VI. That the Governor be, and is hereby, authorized to supply any vacancies in the said Commission, from death, resignation or otherwise.

Vacancies, how filled.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO AUTHORIZE THE GOVERNOR TO REQUIRE THE EXEMPTION OF CERTAIN STATE OFFICERS AND OTHER PERSONS FROM CONFEDERATE SERVICE.

No. 4704.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and is hereby, authorized and required to claim the exemption from Confederate military service of the officers and members of both branches of the General Assembly of this State, and the following State officers, to wit: Lieutenant-Governor, Judges of the Courts of Law and Equity, Attorney-General and Solicitors, Secretary of State, Comptroller-

Governor required to claim certain exemptions.

A. D. 1864. General, State Auditor and two assistants, Treasurers of the Upper and Lower Division, Adjutant and Inspector-General and one assistant, Quartermaster-General, Commissary-General, State Engineer and one assistant, Aides-de-Camp to the Governor, (not to exceed one to each Militia brigade,) Private Secretary of the Governor and his clerk, Sheriffs, Clerks of the Court, Ordinaries, Masters, Registers and Commissioners in Equity, Tax-Collectors, President, Cashier, Book-keeper and one Teller of the Bank of the State and of each of its Branches, Officers and Cadets of the State Military Academies, Professors of the South Carolina College, Superintendent, Physician and Keepers of the Lunatic Asylum, and Superintendent, Steward and Teachers of the Asylum for the Deaf, Dumb and Blind.

Exemptions claimed under certain restrictions. II. That the Governor be, and he is hereby, authorized, if the same be in his judgment necessary, and under such regulations as he may prescribe, to require the exemption of the following State officers and other persons, to-wit: Members of the Board for the Relief of Soldiers' Families (who are over forty-five years of age), President, Cashier, Book-keeper and one Teller, now in the employment of each of the several Banks in the State, the Presidents and Treasurers now in the employment of the two Savings Institutions in the State, such Deputy Sheriffs as may be indispensable to the execution of the laws of the State (not to exceed one in each Judicial District), State Agent for the supply of slave labor, one editor for each newspaper being published at the time of the passage of this Act, and such printers and pressmen as said editor may certify upon oath to be indispensable to the publication of said newspaper; the Public Printer of the State Government, and such journeymen printers as said Public Printer shall certify upon oath to be indispensable to the public printing; the Chief of the South Carolina Hospital Bureau at Richmond and his assistant; the officers and members of the Police and Fire Departments of Charleston and Columbia, and such artisans, mechanics and persons of scientific skill, and other employees, as may be indispensable to the carrying on of the manufactories and public works belonging to the State; the professors and teachers of all incorporated colleges in the State; every minister of religion authorized to preach according to the rules of his Church, and who was, on the first day of May, eighteen hundred and sixty-one, and at the passage of this Act shall be, regularly employed in the discharge of his ministerial duties, and is not engaged in any traffic.

Persons necessary for government of slaves.

III. That for the proper police of the country, the Governor is hereby authorized, under such regulations as he may prescribe, to require the exemption from Confederate military service of such persons as he may adjudge indispensable for the government of the slaves, and the protection of the citizens and property of the State: *Provided*, That such exemptions shall not exceed, in any District, one for every two hundred slaves in said District: *And provided, further*, That the rights of overseers now having both Confederate and State exemption shall not be changed or altered by the provisions of this Act, nor shall such persons be included in the estimate of the above proviso.

Exemptions declared. IV. That all officers and persons who shall be so required by the Governor, pursuant to the provisions of this Act, be, and they are hereby, declared to be exempt from Confederate military service during the period for which their exemption shall be so claimed.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

OF SOUTH CAROLINA.

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AN ACT TO ALTER AND AMEND THE MILITIA LAWS OF THIS STATE.

A. D. 1864.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, all free male white persons within this State, between the ages of sixteen and fifty, not exempt from active service without the limits of the District in which they reside by the Militia Laws of this State, shall be liable to active military duty without the limits of the State, at the call of His Excellency the Governor.

II. That the Governor shall have authority, whenever in his judgment it is necessary for the defence of this State, or of the adjacent States, to order out of the limits of the State such portion of those liable to active military duty, and for such a length of time, as in his judgment the exigency may require. And that, in addition to the other penalties prescribed by law for defaulters, the Governor shall be authorized to order the arrest of all such as may be liable to military duty under this Act, to the intent that they may be compelled to perform the duty devolving upon them: *Provided, nevertheless,* That he shall at no time place such Militia beyond his control, so as not to be able to recall them at any moment, whenever the necessities of the State require it.

III. That all free male white persons within the State between the ages of sixteen and sixty, not embraced in the active Militia, shall be liable to military duty in cases of alarm, invasion, insurrection, or as the *posse comitatus*, anywhere within the limits of the State.

IV. That the Governor shall have power to allow an exemption or detail in such special cases, either of necessity or of public interest, as in his judgment should be made, in either or both of the said classes of Militia.

Alarm Men.

Exemption or detail.

V. That all Acts or clauses of Acts inconsistent with this Act be repealed. In the Senate House, the sixth day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO ALTER AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO PREVENT AND PUNISH THE PLANTING AND CULTIVATING IN THIS STATE OVER A CERTAIN QUANTITY OF COTTON DURING THE PRESENT YEAR.'"

No. 4706.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to amend an Act entitled 'An Act to prevent and punish the planting and cultivating in this State over a certain quantity of cotton during the present year,'" ratified on the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby, altered and extended so that all slaves employed in agriculture, within the meaning of said Act, between twelve years of age and sixty-five years of age, shall be counted as hands; and that all slaves under twelve years of age and over sixty-five years of age shall be excluded in the estimate of hands employed in agriculture.

What slaves to be counted as hands.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

**A. D. 1864. AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES,
AND TO RENEW AND AMEND THE CHARTERS OF CERTAIN TOWNS, VIL-
LAGES AND OTHER SOCIETIES HERETOFORE GRANTED, AND FOR OTHER
PURPOSES.**

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Edward J. Mims, George A. Addison, Bud. C. Bryan, John Huet, Luther R. Gwaltney, James A. DeVoe, John Lake, Zedekiah Wadkins, Eugene Burt, Albert G. Morton, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of "The Edgefield Female College, of Edgefield," for the period of twenty-one years from the ratification of this Act; and shall have power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary and proper for the purposes of said corporation not repugnant to the laws of this State, with power to purchase and hold real and personal estate to an amount not exceeding one hundred thousand dollars, and the same to alien, lease or transfer, and in general to exercise and enjoy all the powers and privileges incident to such corporations.

II. *That John J. Ingram, Henry Kelley, W. R. Coskrey, G. A. Huggins and D. E. Hodge, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of "Manning Academy," in Clarendon District, for the period of fourteen years from the ratification of this Act; with power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary and proper for the purposes of said corporation not repugnant to the laws of this State, and generally to exercise and enjoy all the powers and privileges incident to such corporations.*

III. *That Robert Bryan, James H. Adams, John Burnet, H. H. Mayson and John Wooten, Trustees of Good Hope Baptist Church, in Edgefield District, be, and they are hereby, created a body politic and corporate, under the name and style of "Good Hope Baptist Church," for the period of twenty-one years, with all the rights, powers and privileges incident to such corporations.*

IV. *That John C. Chisolm, John A. Brice, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of "New Hope Congregation," in Fairfield District, for the period of twenty-one years, with all the rights, powers and privileges incident to like bodies corporate and politic.*

V. *That James Gillam, S. Danely, J. R. Tarrant, James Creswell, Robert C. Gillam, Allen Vance and William N. Blake, the Executive Committee of the Ladies' Card Factory, of Greenwood, they and their associates and successors, be, and are hereby, created a body politic and corporate, for the term of twenty-one years, for the manufacture of cotton and wool cards, under the style and title of "The President and Directors of the Ladies' Card Factory, of Greenwood," with power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary for the government of said corporation not repugnant to the laws of this State, to purchase and hold real and personal estate to an amount not exceeding two hundred thousand dollars, and the same to alien, lease or transfer, and in general to exercise and enjoy all the rights, powers and privileges incident to such corporations.*

VI. *That the charter heretofore granted to "The Palmetto Exporting and Importing Company" be, and is hereby, so altered and amended as to allow a majority in number of the stockholders, from time to time, to in-*

Edgefield Fe-
male College.

Manning
Academy.

Good Hope
Baptist
Church.

New Hope
Congregation.

Ladies' Card
Factory of
Greenwood.

Palmetto Ex-
porting and
Importing

crease the capital of said corporation to an amount not exceeding three millions of dollars. A. D. 1864.

VII. That the charter heretofore granted the village of Lowndesville, in ^{Village of} Abbeville District, be, and the same is hereby, renewed and extended for Lowndesville. the term of twenty-one years, with all the powers to said incorporation possessed and exercised by the Commissioners of Roads, Bridges and Ferries, to lay out, work and keep in repair, the several roads and streets within the incorporated limits of said village.

VIII. That the charter heretofore granted the town of Newberry, in ^{Town of} Newberry District, be, and the same is hereby, so altered and amended as ^{to} Newberry. to vest in the Town Council of said town of Newberry the power to compound with all persons liable to patrol duty in like manner and upon the same conditions as the Intendant and Wardens of the town have the power to do in relation to road duty, as set forth and declared in the seventh section of the Act of Incorporation of said town, passed in 1841.

IX. That the charter of "The Sisters of Our Lady of Mercy," in ^{The Sisters of Our Lady of} Charleston, be, and the same is hereby, renewed for the term of twenty-one years, with power to hold real and personal estate to an amount not exceeding one hundred thousand dollars, and with all the other rights, powers and privileges heretofore granted.

X. That the charter of the town of Chester be, and the same is hereby, ^{Town of} renewed for the term of fourteen years, with all the rights, powers and ^{to} Chester. privileges heretofore granted.

XI. That the charter of the Beech Branch Baptist Church, in Beaufort ^{The Beech Branch Bap-} District, be extended for twenty-one years, with all the rights, powers and ^{ist} privileges heretofore granted. ^{Performance of road duty in towns and villages.}

XII. That in the event the corporators of any incorporated town or village in this State shall hereafter refuse or neglect to appoint and organize the officers required by their Act of Incorporation, or refuse or neglect to carry out in good faith the obligations imposed by their Act of Incorporation, the Commissioner or Commissioners of Roads, in whose division or divisions such town or village, or other incorporated body, shall be located, shall be authorized and required to take charge of all such roads and streets, together with all such road-hands as may reside within the limits of such incorporation, and require the same performances of all residents within such limits as he or they are or are now authorized to do within his or their divisions generally.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS AND CHARTER CERTAIN FERRIES. No. 4708.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That ^{ry.} Holley's Ferry, across Big Saluda River, in Edgefield District, be, and the same is hereby, rechartered for the term of fourteen years, with the same rates of toll as are now allowed by law, and vested in Daniel D. Holley.

II. That Hugh Giles, of Marion District, be, and he is hereby, authorized and empowered to take possession of Gallivant's Ferry, across Little ^{Gallivant's} Ferry. Pee Dee River, in Marion District, and to hold the same to his own use and behoof, until the first day of January, eighteen hundred and sixty-six; and shall have the right to charge and receive the following rates of

A. D. 1864. toll for crossing thereof, in currency, to wit: Foot passenger, ten cents; man and horse, twenty-five cents; cart and horse, fifty cents; buggy and horse, seventy-five cents; wagon and two horses, one dollar; wagon and four horses, one dollar and fifty cents; wagon and six horses, two dollars.

Now road in III. That R. A. Bethune, John M. Plowden and R. L. McLeod, of Sumter and Clarendon District, and J. G. Fort, Turner Davis and Moses Brogdon, of Clarendon.

Sumter District, be, and the same are hereby, appointed a Commission to lay out a road, commencing at Dr. W. T. Brogdon's, on the Plowden's Mill Road, in Sumter District, by the most practicable route, running by the premises of A. Davis, Dr. R. A. Bethune, John M. Plowden, R. L. McLeod and B. E. Hodge, to intersect the Brewington and Sumter Road at or near the place of Old Trinity Church, in Clarendon District. The said Commission shall summon the road-hands along the line of the said proposed road in Clarendon District, and with said hands shall open the said road, from Dr. W. T. Brogdon's, in Sumter, to "Trinity Church" place, in Clarendon District, and put the same in good traveling condition; and when so finished, the Commission shall give notice thereof, and turn over to the Boards of Roads of said Districts their respective portions of said road, which shall be then deemed and declared to be a public road or highway.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4709.

AN ACT TO ESTABLISH THE FRANCO-CAROLINA BANK.

Preamble. Whereas Monsieur Emile Berle Comete du Tremblier de Chauvigny and his associates, bankers, residing in Paris, have proposed to the Legislature of the State of South Carolina to invest a large amount of capital of certain in this State for the purpose of establishing a direct commercial intercourse with France, and for advancing means by which the natural resources of the State, whether agricultural or mining, can be developed, and railroads and water communication within the State improved and extended; and whereas they have applied for the charter of a bank for those purposes, the business of which is to be conducted according to the principles of the financial company known as the "Credit Mobilier," of Paris, the success of which has been demonstrated by experience; and whereas the interests and prosperity of the State of South Carolina will, in the judgment of this Legislature, be largely promoted by the proposed establishment:

Bank incorporated. I. Now, therefore, it is enacted by the Senate and House of Representatives of the State of South Carolina, in General Assembly convened, That M. Emile Berle Comete du Tremblier de Chauvigny and his associates, bankers, of Paris, aforesaid, and B. S. Barne, and also James P. Boyce and T. D. Wagner, of the State of South Carolina, and the persons to be associated with them, as hereinafter provided, be, and they are hereby, created a body corporate, under the name and style of the Franco-Carolina Bank,

Powers and rights of the Bank. and as such shall have the power and right, by its name and style aforesaid, to sue and be sued in any court of record or other place whatsoever, and to have and use a common seal, and the same to alter and renew at pleasure, and have power generally to do and execute all acts and things which to them it shall appertain to do, subject, nevertheless, to the restrictions and limitations hereinafter prescribed and provided.

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II. The capital stock of said bank shall be fifty-two millions five hundred thousand francs, equal to ten millions of dollars, and shall be divided into fifty-two thousand five hundred shares, of one thousand francs each; and the said banker of Paris and his associates shall subscribe, in France, for nine-and-a-half millions of dollars of the said capital, and shall procure subscriptions in the State of South Carolina for five hundred thousand dollars of said capital, within six months from the date of the passage of this Act, in default whereof this charter shall be null and void and of no effect.

A. D. 1864.

Capital stock.

Time for procuring subscriptions.

III. The subscribers to the capital stock of said bank shall pay, at the time of subscribing, twenty-five per centum of the amount of each share subscribed, in gold or silver coin, or in approved bills of exchange, drawn on France or England, and payable at not more than sixty days' sight; and the remainder of the capital stock shall also be paid in gold or silver coin, or in approved bills of exchange, as aforesaid, at such times and in such instalments as the Board of Directors, hereinafter provided for, shall require. And in the event of the dishonor of any bill of exchange given in payment of subscriptions as aforesaid, the stock of the subscriber shall be immediately sold for coin, for account of the subscriber, who shall be entitled to receive any premium, and be responsible for the payment of any loss, that may result from such sale.

IV. The said Bank shall not commence business until the one-fourth of its capital shall have been actually paid in in the manner hereinbefore provided; and the payment of the said fourth of the capital, to wit, of two-and-a-half millions of dollars, shall be established to the satisfaction of the Governor of South Carolina, by the production to him of sufficient proof of the payment within this State of such sums as shall be here paid, and by the production of certificates of the Bank of France, or of the "Credit Mobilier," of Paris, or of the "Comptoir National d'Escompte," of France, showing the deposit, in one or more of said institutions, by the French subscribers, to the credit of said Bank, of an amount equal to one-fourth of the capital subscribed in France. And upon the production to the Governor of the proof of payment aforesaid to the full amount of two-and-a-half millions of dollars, it shall be his duty to issue a proclamation announcing the fact of payment as aforesaid, and that the said Bank is thenceforth entitled to enter upon the enjoyment of the rights conferred by this charter.

V. The domicil of said Bank shall be the city of Charleston, in this State, but during the present war it may, at the discretion of the Directors, be located at any other place within this State; and it shall have the right to establish such agencies within this State and the other Confederate States as may be deemed necessary by the Directors for the prosecution of its business; and it shall establish an agency in Paris. The powers and duties of the agents shall be fixed by the by-laws of the Bank. All meetings of stockholders shall take place in the city of Charleston; but, during the present war, it shall be lawful for the Directors to appoint some other place of meeting within this State.

Place of business.

May establish agencies.

Agency in Paris.

VI. The business of said Bank shall be conducted by a Board of Directors, to be chosen annually. The first Board of Directors shall be appointed by the aforesaid Messieurs Emile Berle Comte du Tremblier de Chauvigny and his associates, and shall continue in office for six months after the date of the proclamation of the Governor mentioned in the fourth section of this Act. The number of Directors shall not be less than five, and at least one-third of the number shall be persons who are citizens of or domiciled within the State of South Carolina. Within the first six months after the date of the proclamation aforesaid, there shall be a general meeting of the stockholders, which shall establish by-laws the number of Directors of which the future Boards shall consist.

Board of Directors.

Number of Directors.

Meeting of stockholders.

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prescribe rules for their election, define their authority, and provide for an annual rendition of accounts to a general meeting of stockholders. In all meetings of stockholders, whether for election of Directors or for the transaction of other business, each share shall give the right to one vote; and all votes may be given either in person or by proxy.

Powers of Bank. VII. The said Franco-Carolina Bank, when established in the manner hereinbefore provided, shall have power to carry on the business of a

bank of discount, deposit and issue; to deal in the purchase and sale of exchange, specie, securities and other representatives of value; to make

To make loans and advances on the pledge of cotton, rice or other produce, and on loans.

To aid or construct internal improvements. To promote, by advances of money or by the opening of credits, the repair, improvement or construction of such ways of transportation, whether by land or water, as are, or may be, authorized by law, or to undertake such enterprises on its own account; to develop the mining industry of the State, by giving financial aid to all individuals or bodies corporate engaged

Mining operations and foundries. Mining operations or foundries, or to undertake for itself mining operations, and purchase mines or other lands; to undertake the negotiation of loans for the Government of this State, or for any other State or Gov-

To negotiate loans. ernment, whether the loans be negotiated in Europe or on this continent; to act as financial agent of any individual or body corporate, public or

To undertake private; To undertake any enterprise or work of public improvement or public works. utility authorized by grant or charter by any Government, and to become the purchaser of the franchises of any corporation established for such purpose; and to issue its notes under the restrictions hereinafter imposed.

To issue notes payable in Paris. VIII. The said Bank shall have power to issue notes for circulation, which shall declare on their face that they are payable in Paris; and such notes shall be redeemable in coin on demand at the agency of the Bank in Paris. All other notes shall be payable on presentation, in coin, at the

Redemption of notes. counter of the Bank in Charleston. And all holders of notes payable in Paris shall have the right to demand in Charleston payment thereof in

sight bills of exchange on Paris, by presenting the same at the counter of the Bank in Charleston, in sums not less than one hundred dollars, and paying the Bank a registration fee of one-half of one per centum on the amount of the exchange so demanded. And when notes payable in Paris are redeemed in Charleston, on the demand of the holders, by sight ex-change on Paris, the Bank shall allow and pay five francs and twenty-five centimes in exchange for each dollar, and shall make no other charge to the note-holder than the registration fee of one-half of one per centum;

Notes redeemed to be destroyed. Notes so registered and redeemed by exchange shall be defaced or destroyed, so that they shall not again enter into circulation.

Restriction of issues. IX. The said Franco-Carolina Bank shall be so restricted in its issues of notes that in no event and under no circumstances shall it issue any notes not represented by coin in its possession in Charleston and the different agencies, or by merchandize, produce, real estate, or other material property, real or personal, in its possession, or under its control, of the full value of the notes issued—the fundamental principle of the Bank

All issues to be based on specie or material property. being hereby declared to be that no currency is to be placed by it in circulation based on its own credit or that of any other body corporate or individual, but only such as is represented by at least an equal value in the precious metals, or in material property, real or personal, possessing a market value independently of the credit of any individual or corporation.

Notes to be issued only in Charleston. X. The said Bank shall not issue notes at any other place than the city of Charleston, and shall keep an exact registry of all notes issued, and of all notes redeemed and defaced or destroyed by it, showing the amount of circulation outstanding; and this registry shall be at all times open to the inspection of such officers as the Legislature may think proper to appoint for that purpose; and the said Bank shall be subject to all the

Laws and regulations heretofore established, or which may hereafter be enacted by the State, to secure the safety and proper management of the banking institutions of the State in general; and it shall specially be its duty to publish, once in every month, in two of the newspapers of the city of Charleston and in one of the Capital of the State, a balance-sheet or statement, showing its assets and liabilities, and specifying particularly the amount of its circulation, deposits, coin and bullion, and the estimated value of the merchandize, produce and other material property on which its circulation is based.

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Monthly statement to be published.

XI. The Legislature of the State of South Carolina reserves the right of visiting the said corporation, by Committees of either or both Houses, at its pleasure, and requiring a full exhibit of its business and financial condition; and this charter shall be liable to forfeiture upon the breach of the conditions on which it is granted, and especially in the event of the failure of the Bank to redeem its circulation as herein provided for, or in the event of its emitting any circulation in excess of the limits herein prescribed. But no proceedings for a forfeiture of the charter of the Bank shall be instituted without a resolution of the Legislature expressly directing such proceedings. And this Act shall be a public Act, and continue of force for the term of thirty years.

Committee of the Legislature to visit.

Public Act—limitation.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
• R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO INCORPORATE THE BATH MILLS COMPANY.

No. 4710.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Edward Lafitte, James Gardener, Germain T. Dortic, Adam Johnston, D. B. Hack, Ann M. Winter, Thomas W. Chichester, W. K. Huse, Isaac Tucker, Wellington Stevenson, James F. Winter, Milledge G. McKenzie, Hamilton S. Shelton and Samuel D. Linton, and their successors and assignees, and such persons as may be hereafter associated with them in the manufacture and sale of paper, be, and they are hereby, declared a body corporate and politic, by the name and style of "The Bath Mills Company," with a capital stock of one hundred thousand dollars, with the right to increase the same, from time to time, to the extent of four hundred thousand dollars.

Company incorporated.

Capital stock.

II. That such Company shall have power to acquire and hold, by lease, or rent, or purchase, or otherwise, such site or sites, machinery, fixtures, appurtenances and personality as may be desirable and necessary for the manufacture of paper in any District in this State; to issue certificates of stock in such manner and to such amount as may be determined by resolution of said Company, not exceeding in all four hundred thousand dollars; to have a succession of officers and members, to be chosen according to the rules and by-laws made or to be made by said Company for their government and direction, and to make any by-laws not repugnant to the laws of the land, the same to alter, amend and repeal, or re-enact, at pleasure; to sue and be sued, to plead and be impleaded, in any Court having competent jurisdiction; to have, use and keep a common seal, and the same to alter at will; and to have and enjoy the privilege of establishing such agencies, in or out of this State, as they may find expedient for making or vending paper, or for the purchase of paper, or the

Powers of corporation.

May establish agencies.

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materials from which paper is made or embellished, not in contravention of the laws of other States where such agencies may be established; and to have and hold such real estate as may be necessary or expedient for carrying on legitimately the business herein contemplated, of making, buying or vending paper, or the materials of and by which paper is or may be made.

Liabilities of members. III. That the members of said corporation shall be jointly and severally liable for all debts and contracts made by such corporation until the amount of one hundred thousand dollars shall have been paid in, in cash, Limitation or its *bona fide* equivalent in real or personal estate; and this charter shall of charter. be and continue for the term of fifteen years.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4711. AN ACT TO EXTEND AND ALTER THE CHARTER OF "THE COTTON PLANTERS' LOAN ASSOCIATION OF THE FIFTH CONGRESSIONAL DISTRICT OF SOUTH CAROLINA."

Charter extended. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Cotton Planters' Loan Association of the Fifth Congressional District of South Carolina, organized by virtue of, and agreeably to, the provisions of an Act entitled "An Act to charter a Cotton Planters' Loan Association," ratified the twenty-first day of December, Anno Domini one thousand eight hundred and sixty-one, be extended and made of force until the first day of January, Anno Domini one thousand eight hundred and sixty-nine, with all the rights, powers and privileges by said Act conferred: *Provided*, That the capital stock of said Association shall

Issue of notes, bills, not be increased beyond its present amount: *And provided, further*, That etc., prohib- the said Association shall not be authorized to issue, or re-issue, any notes, ited. bills, or other obligations of the nature of currency.

Repeal of third section II. That the third section of the Act referred to in the preceding section be, and the same is hereby, repealed.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4712. AN ACT TO INCORPORATE THE FOOT POINT LAND COMPANY.

Company incorporated. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John

A. Seabrook, C. J. Colcock, John Fraser & Co., W. C. Bee, A. S. Johnson, W. Ravenel, D. F. Fleming, H. C. Dotterer, Chamberlain & Co., William Gregg, C. D. Carr, James M. Eason, T. S. Heyward, George C. Heyward, J. S. Gibbes, J. W. Gregory, F. W. Claxton, E. M. Seabrook, R. B. Rhett, Jr., Wm. Whaley, T. D. Eason, and such other persons as now are, or may hereafter become, associated with them as members of the said

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Company, be, and are hereby, declared a body corporate and politic, by the name and style of the "Foot Point Land Company," for the purpose of establishing a town at Foot Point, with a present capital of five hundred thousand dollars, and with the privilege of increasing the same to stock. one million of dollars: *Provided*, That after the selection of a site for the establishment of such town, the said corporation shall have no power to appoint or elect officers of the town so to be established, or to pass ordinances in relation to the same, without a further grant of authority from the General Assembly of the State.

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Capital

II. That the said Company shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made or to be made by them for their government, and shall have power and authority to make any such rules and by-laws as are not repugnant to the Constitution and laws of the land; shall have and keep a common seal, and alter the same at will; shall sue and be sued, implead and be impleaded, in any Court of Law or Equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

III. That the said Company, by their corporate name, shall be able and competent, in law and equity, to have and to hold, receive and enjoy, all property, such property, real and personal, as they shall deem proper in any manner to acquire for the purposes of the corporation, or as they now have or may hereafter in any manner become entitled unto, and to alien or otherwise dispose of the same or any part thereof: *Provided*, That the original value of such estates does not exceed the capital stock of the said Company.

IV. That this Act shall be a public Act, and continue of force for the term of twenty-one years.

Public Act—limitation.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO INCORPORATE THE COLUMBIA AND GREENVILLE TELEGRAPH COMPANY. No. 4713.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That corporation. Company incorporated. William M. Lawton, Theodore D. Wagner, Thomas C. Perrin, Otis Mills, John W. Grady, Alexander W. Bee, Thomas M. Cox, and their associates, are hereby incorporated and declared a body politic, to be known by the name and style of the "Columbia and Greenville Telegraph Company," for the purpose of constructing a telegraph line from the town of Columbia to the village of Greenville, South Carolina, with branches to Abbeville Court House and Pendleton village.

II. The said Company shall have the right to raise, by subscription, a capital stock of four hundred thousand dollars, for the purpose of constructing the said telegraph line, with the power hereafter to increase their capital to five hundred thousand dollars, and extend their line of telegraph to the town of Chattanooga, in the State of Tennessee.

III. The said Columbia and Greenville Telegraph Company shall have, Rights and powers of a body politic. and are hereby invested with, all the rights and powers of a body politic and corporate, sue and be sued, purchase and hold real and personal estate, and make contracts, and do all other things which a body politic and corporate may do.

A. D. 1864. IV. The said capital of four hundred thousand dollars shall be taken in shares of one hundred dollars each.

May make by-laws and with the laws of this State, for their government, and to elect proper elect officers. officers to administer the same.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4714.

AN ACT TO INCORPORATE "KALMIA MILLS."

Company incorporated. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Benjamin F. Evans, E. L. Kerrison, Wm. C. Bee, Benjamin Mordecai, J. J. Chisolm, R. G. Chisolm, Samuel S. Brown, Herman Leiding, John W. Grady, and others, and their associates and successors, are hereby made and created a body politic and corporate, under the name and style of "Kalmia Mills," for the purpose of manufacturing paper, cotton yarns and cloths, and such other fabrics as the demands of the community may require, and for procuring and making machinery to carry on said manufactures; and also for the transaction of all such business as may be connected with the above purposes, with a capital of two millions of dollars, with the privilege of increasing the same to five millions of dollars—the consent of a majority of the stockholders being first had and obtained.

Capital stock.

Powers of corporation. II. The said corporation may purchase and hold such real estate as may be required for their purposes, or such as they may deem fit for their interest to take in settlement of any debts due them, and may dispose of the same; and may erect such mills, machine shops, and other buildings thereon, as may be deemed necessary; and may sue and be sued, have and use a common seal, and make such by-laws for the regulation and government of said corporation, not inconsistent with the Constitution and laws of the Confederate States and of this State, as may be deemed necessary, and shall have generally all the rights, powers and privileges in law incident or appertaining to corporations.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4715. AN ACT TO EXTEND AND AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ISSUE AND PUT IN CIRCULATION NOTES RECEIVABLE IN TAXES OR DUES TO THE CITY."

Repeal of third section of Act. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third section of an Act entitled "An Act to authorize the City Council of Charleston to issue and put in circulation notes receivable in taxes or dues to the city," be, and the same is hereby, repealed, and the provisions of said Act, together with the amendatory Act entitled "An Act to amend an

the third section of an Act entitled "An Act to authorize the City Council of Charleston to issue and put in circulation notes receivable in taxes or dues to the city," be, and the same is hereby, repealed, and the provisions of said Act, together with the amendatory Act entitled "An Act to amend an

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Act to authorize the City Council of Charleston to issue and put in circulation notes receivable in taxes or dues to the city," passed on the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, shall be of force during the continuance of the present war between the Confederate States and United States.

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Limitation of Act.

II. That the first section of said Act be so amended as to extend the limit of the notes issued to the amount of five hundred thousand dollars, instead of three hundred thousand dollars.

Additional amount of issue authorized.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR FOR THE PARISHES OF ST. JAMES, SANTEE, ST. STEPHEN, AND ST. JAMES, GOOSE CREEK.

No. 4716.

Whereas, at the last general election for the said Parishes, there was a failure to elect Commissioners of the Poor for the same:

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Benjamin Fort, Isaac Skipper, Stephen D. Doar, Elias Butler and John Y. DuPre be, and they are hereby, appointed Commissioners of the Poor for the Parish of St. James, Santee; that W. Mazyck Porcher, S. W. Palmer, G. McCay, John Palmer and Dr. John S. Palmer be, and they are hereby, appointed Commissioners of the Poor for the Parish of St. Stephen; and that E. G. Shuler, S. C. Warnock, James Wiggins, J. T. Crawford and John McCullers be, and they are hereby, appointed Commissioners of the Poor for the Parish of St. James, Goose Creek, to continue in office until the next general election, with all the powers and liabilities of Commissioners of the Poor as provided by law.

Commissioners appointed.

St. James',
Santee.

St. Stephen.

St. James',
Goose Creek.
Term of office.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR FOR LANCASTER DISTRICT.

No. 4717.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That S. L. Straite and Andrew Johnson be, and the same are hereby, appointed Commissioners of the Poor in and for the District of Lancaster, to continue in office until the next general election; and they are hereby invested with all the powers, and subject to all the penalties, that Commissioners of Poor by law now are.

Commissioners appointed.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

A. D. 1864. **AN ACT TO APPOINT COMMISSIONERS OF THE POOR FOR DARLINGTON, HORRY AND RICHLAND DISTRICTS.**

No. 4718.

Whereas, at the last general election holden for Darlington, Horry and Richland Districts, there was a failure to elect Commissioners of the Poor for said Districts, for remedy thereof,

Commissioners appointed. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That H. G. Charles, Evander Byrd, A. N. Stuckey, Robert Huggins and A. B. Bristow be, and are hereby, appointed Commissioners of the Poor in and for the District of Darlington. And James Floyd, William Best, C. B. Sarvis,

Darlington.

Jesse J. Smith and William Hardee be, and are hereby, appointed Commissioners of the Poor in and for Horry District. And the following for Richland District, viz: A. M. Hunt, John Scott, Jesse Reese, David Shannon, Samuel Dent, Samuel Coogler, Joseph Douglas and Wesley Smith.

Horry.

Richland.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4719. **AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR IN CERTAIN CASES.**

Commissioners to be appointed when failure to elect occurs. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever a failure to elect Commissioners of the Poor shall occur in any Election District in this State, whether in whole or in part, it shall be lawful for a majority of the delegation from such District to appoint the same, and the Commissioners so appointed shall have all the powers which Commissioners of Poor by law now have, and be subject to the same pains and penalties.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4720. **AN ACT TO EXTEND THE TIME OF FILING OFFICIAL BONDS IN CERTAIN CASES.**

Persons in military service allowed to file official bonds. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person who, while in the military service of the Confederate States, time to file has been, or may hereafter be, elected to a civil office in this State which official bonds require, the execution of a bond before qualification to office, such person shall be allowed ninety days from the time the election has been or may be declared within which to file such bond.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

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AN ACT TO REPEAL SO MUCH OF THE ACT TO ESTABLISH A SEPARATE COURT OF APPEALS AS REQUIRES THE JUDGES THEREOF TO BE CHOSEN FROM AMONG CERTAIN PERSONS THEREIN DESCRIBED.

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No. 4721.

Portion of
Act repealed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of an Act entitled "An Act to establish a separate Court of Appeals," ratified on the nineteenth day of December, eighteen hundred and fifty-nine, as requires the Judges of the Court of Appeals to be chosen from among the Chancellors and Judges in commission at the time of passing the said Act, and any additional Judge or Chancellor elected at the session of the General Assembly at which the said Act was passed, be, and the same is hereby, repealed.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO PROVIDE FOR HOLDING THE COURTS OF EQUITY BY TWO CHANCELLORS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

No. 4722.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That to hold Courts until the next regular meeting of the General Assembly, it shall be the duty of the two Chancellors now in commission, by agreement between themselves, to hold the Courts of Equity, which, by reason of the vacancy now existing, will be otherwise unprovided for; and for the accomplishment of this purpose they shall have power to reduce the duration of the terms as now fixed by law in any District, and to alter the time appointed for the sitting of any of the Courts to any other day within the period embraced in the Circuit to which such Court belongs: *Provided*, That notice of such change shall be given to the Commissioner in Equity or Master in Chancery for the District in which such change is made, and by him be published for one month before the day so fixed for the sitting of the Court, the expenses thereby incurred to be paid out of the Contingent Fund.

Chancellors
unprovided
for.

II. That any Act and all Acts inconsistent with the section aforesaid, be, and the same are hereby, suspended for the year one thousand eight hundred and sixty-five.

Power to
change term
and alter time.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO DEFINE THE RIGHTS AND LIABILITIES OF RAILROAD COMPANIES AND OTHER COMMON CARRIERS.

No. 4723.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That companies liable for loss or damage, notwithstanding notice, or declaration, or special contract, shall limit or in any wise affect the liability at common law, of any railroad company within this State, for or in respect of any goods to be carried and conveyed by them.

A. D. 1864. *but that such railroad company shall be liable, as at common law, to answer for the loss of, or injury to, any articles and goods to be carried and conveyed by them, any public notice, or declaration, or special contract, by them made and given contrary thereto, or in anywise limiting such liability, notwithstanding.*

Common II. *That no public notice or declaration shall limit, or in anywise affect carriers also the liability at common law of any public common carrier, for or in respect of any goods to be carried and conveyed by them, but that they shall be liable, as at common law, to answer for the loss of, or injury to, any articles and goods delivered to them for transportation, any public notice or declaration by them made and given contrary thereto, or in anywise limiting such liability, notwithstanding.*

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4724. AN ACT TO CONTINUE IN FORCE AN ACT ENTITLED "AN ACT TO EXTEND RELIEF TO DEBTORS, AND TO PREVENT THE SACRIFICE OF PROPERTY AT PUBLIC SALES."

Act re-enacted and made and sitting in General Assembly, and by the authority of the same, That of force. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to extend relief to debtors, and to prevent the sacrifice of property at public sales," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and also an Act to continue in force the aforesaid Act, ratified the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and also, an Act to continue in force the said Act, ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same are hereby, continued of force until the adjournment of the next session of the General Assembly of this State.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4725. AN ACT TO REPEAL THE SECOND SECTION OF AN ACT ENTITLED "AN ACT TO EXTEND AN ACT ENTITLED AN ACT TO EXTEND SOME OF THE PROVISIONS OF AN ACT ENTITLED 'AN ACT IN REFERENCE TO THE SUSPENSION OF SPECIE PAYMENTS BY THE BANKS OF THIS STATE, AND FOR OTHER PURPOSES,' TO THE FIRST DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR."

Second section of Act repealed. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second section of an Act to extend an Act entitled "An Act to extend some of the provisions of an Act entitled 'An Act in reference to the suspension of specie payments by the Banks of this State, and for other purposes,'

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passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina, be, and the same is hereby, repealed.

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In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN CERTAIN PROPERTY LIABLE TO ESCHEAT IN ELIZABETH MYRES, ELLEN MYRES AND CATHARINE MYRES.

No. 4726.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all John H. Roy the right, title and interest of the State in and to the real estate whereof John H. Roy, late of St. Matthew Parish, in the District of Orangeburg, was seized and possessed at the time of his death, consisting of a tract of land lying and being in the said Parish, containing one hundred and seventy acres, more or less, and bounded by lands of F. M. Wannamaker, Daniel McKenzie, T. B. Whaley and the late Richard Singleton, and in and to all the personal estate of the said John H. Roy, of which he died possessed or entitled to, be, and the same are hereby, vested in Elizabeth Myres for and during her natural life, and at her death in her daughters, Ellen Myres and Catharine Myres, share and share alike, their heirs, executors and administrators.

Estate of John H. Roy
vested in Elizabeth Myres, and others.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*
R. B. BOYLSTON, *Speaker House of Representatives.*

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRINTING AND DISTRIBUTION OF THE ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THIS STATE, AND FOR OTHER PURPOSES."

No. 4727.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That "An Act to regulate the printing and distribution of the Acts and Resolutions of the General Assembly of this State, and for other purposes," ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, be, and the same is, so amended as only to require one thousand copies of the Reports, Resolutions and Journals hereafter to be printed, and that the said Reports, Resolutions and Journals intended for distribution amongst the several Districts of this State be in the following ratio, to wit: Abbeville, thirty-five; Anderson, twenty-five; Barnwell, twenty; Chester, twenty-five; Chesterfield, twenty; Darlington, twenty; Edgefield, thirty; Fairfield, thirty; Greenville, twenty-five; Kershaw, twenty-five; Laurens, twenty-five; Lexington, twenty; Lancaster, twenty; Marlboro, twenty; Newberry, twenty; Orangeburg, twenty; Pickens, twenty-five; Richland, forty; Union, twenty-five; Sumter, twenty;

Act of 1834
amended.
1,000 copies
of Reports and
Journals.

A. D. 1865. Spartanburg, twenty-five; York, twenty-five; Beaufort, twenty-five; Charleston, sixty; Colleton, twenty-five; Georgetown, twenty; Horry, twenty; Marion, twenty; Williamsburg, twenty; Clarendon, twenty.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, *President of the Senate.*

R. B. BOYLSTON, *Speaker House of Representatives.*

No. 4728. AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the public Treasury of this State, for the use and service thereof; that is to say: Fifteen cents *ad valorem* on every hundred dollars

Tax on lands. of the value of all the lands granted in this State, except such lands as during the year have been in possession of the Freedman's Bureau, and on all lots, lands and buildings within any city, town, village or borough in this State, except such as during the year have been in possession of the

Male residents. Freedman's Bureau; two dollars per head on all male residents of this State between the ages of twenty-one and sixty years, except such as shall be clearly proved, to the satisfaction of the Collectors, to be incapable, from maims or otherwise, of procuring a livelihood; sixty cents per hundred

Factorage and professions. dollars on factorage, employments, faculties and professions, includ- ing the profession of dentistry, (whether in the profession of the law the

profits be derived from the costs of suit, fees, or other sources of profes- sional income,) excepting clergymen; sixty cents per hundred dollars on

the amount of commissions received by brokers, vendue-masters, and commission merchants; one dollar per head on each and every dog, of every kind and description, in the State on the first day of January, one thousand eight hundred and sixty-six, or brought into the State between that time and the date of the payment of taxes; forty cents per hundred

Gas-Light and Insurance Companies. dollars on the capital stock of all incorporated gas-light companies now in active operation; one hundred cents per hundred dollars on all premiums taken in this State by insurance companies incorporated within this State, and two hundred cents per hundred dollars on all premiums taken in this State by the agencies of insurance companies and underwriters incorporated without the limits of this State; on all express companies doing business within this State, one thousand dollars each, to be paid to the

Tax-Collector of Richland District; twenty cents upon every hundred dollars of the amount of sales of goods, wares and merchandize, embracing all the articles of trade for sale, barter or exchange, (the products of this State and the unmanufactured products of any of the United States, or Territories thereof, excepted,) which any person shall have made from the first day of May, of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-six, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee; one hundred cents upon every hundred dollars of the amount of sales of all goods, wares and merchandize whatever, which any transient person, not resident in this State, shall make in any house, stall or public place; one hundred cents on every hundred dollars of the value of all articles manufactured in this State for sale, barter or exchange; twenty dollars upon every hundred dollars of

Merchandise.

the value of all spirituous liquors manufactured in this State for sale, barter or exchange, and upon all spirituous liquors brought into this State for sale, barter or exchange; one hundred cents on every hundred dollars in value of all cotton on hand on the first day of October last, excluding the crop of the present year from this taxation; one dollar on every hundred dollars of all sales of cotton made since the first day of May last to the first day of October, one thousand eight hundred and sixty-five: *Provided*, That the tax shall not be due on any cotton seized by the United States Government and not returned, or on any cotton stolen and not recovered; one hundred cents on every hundred dollars in value of all crude turpentine, spirits of turpentine and rosin on hand on the first day of October last, excluding the production of the year one thousand eight hundred and sixty-five; one hundred cents on every hundred dollars of all sales of said articles from first of May last to first of October, one thousand eight hundred and sixty-five, except sales of production of present year; twenty dollars per day for representing publicly for gain or reward any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatsoever, to be paid into the hands of the Clerks of the Court respectively, who shall be bound to pay the same into the public Treasury, excepting in cases where the same is now required by law to be paid. *Taxes, to whom to be paid.*

A. D. 1865.

Cotton.

Proviso.

Turpentine and rosin.

Exhibitions.

II. That all taxes levied on property, as prescribed in the first section of this Act, shall be paid to the Tax-Collector for the District or Parish in which said property is located. And whenever any person, upon whom a tax is imposed by this Act, has no visible property upon which an execution can be levied, it shall be the duty of the Tax-Collector to sue out of the District Court a special attachment, attaching moneys and credits in the hands of any one whomsoever, and due to such person, which special attachment shall be conducted in the same way and be subject to the same regulations as are provided for special attachments in the Act to establish District Courts: *Provided*, That any employer may make returns of the names of such persons as are employed by him, and pay the tax of such person, in which case the tax-receipt shall be a good and valid set-off in any action for wages by such employee against such employer.

Proviso.

III. In making assessments for taxes on the value of taxable property used in manufacturing, or for railroad purposes, within this State, the *Machinery* exempted. value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.

IV. That the lots and houses on Sullivan's Island shall hereafter be *Sullivan's* returned to the Tax-Collector of the tax District in which they are situated, *Island property.* in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.

V. That the taxes herein levied shall be paid only in gold and silver *Taxes—how* coin, United States Treasury notes, or notes declared to be a legal tender *paid.* by the Government of the United States, or such Bills Receivable as may be issued under the authority of the present Legislature; and also pay-certificates of Jurors and Constables for attendance on the Court of Common Pleas; pay-certificates of bearers of votes for Governor and Lieutenant-Governor and Members of Congress; and pay-certificates of Members of this session of the Legislature. The Tax-Collectors of the several collection Districts shall be allowed, on all sums of money paid into their hands for taxes, a commission as follows, that is to say: The *Commissioners* Tax-Collector of Horry and St. James', Goose Creek, a commission at the *of Tax-Collectors.* rate of ten per cent; the Tax-Collectors of Anderson, Chester, Chesterfield, Christ Church, Clarendon, Darlington, Greenville, Lancaster, Laurens, Lexington, Marion, Marlboro, Newberry, Orange, Pickens,

A. D. 1865: Prince William's, Spartanburg, All Saints', St. Andrew's, St. George's, Dorchester, St. James', Santee, St. John's, Berkeley, St. Luke's, St. Paul's, St. Peter's, St. Thomas' and St. Dennis', Union, York, Williamsburg and Barnwell, at the rate of seven per cent.; the Tax-Collector of St. Philip's and St. Michael's, at the rate of four per cent., until the commission amounts to three thousand dollars, and after that amount, on all remaining sums, at one per cent.; all the other Tax-Collectors, a commission at the rate of five per cent. Tax-Collectors shall make their returns at the Treasury, in Columbia, on or before the first of August.

Assessments to be made. VI. That before the collection of the taxes herein levied, an assessment shall be made of the actual value of the property taxed; and for that purpose the Tax-Collectors of the several Districts and Parishes, except the Parishes of St. Philip and St. Michael, are hereby constituted Assessors, for which additional labor they shall receive as compensation a sum equivalent to forty per cent. of their tax commissions as allowed by this Act. That each Tax-Collector, before entering upon his duties as Assessor, shall take and subscribe before the Clerk of the Court of the District the following

Oath of office. Oath, which shall be endorsed on his commission, viz: "I, A. B., do promise and swear that I will, to the best of my ability, execute the duties of Assessor for my collection District, and will, without favor or partiality, ascertain and assess the actual value of the property, real and personal, upon which an *ad valorem* tax is laid before, and for the purpose of laying such tax."

Duty of Tax-Collectors. VII. It shall be the duty of the Assessor in each District to require from each tax-payer, or person subject to taxation under this Act, a full return, on oath, of all cotton, crude turpentine, spirits of turpentine and resin in his or her hands on the first day of October last, subject to taxation under this Act; and in case any tax-payer, or person subject to such tax, shall neglect or refuse to make such return, on oath, as aforesaid, it shall be the duty of such Assessor forthwith to assess the probable value of such cotton, crude turpentine, spirits of turpentine and resin subject to such tax in the hands of such person as aforesaid, which said assessment shall be held to be true, and the tax be estimated thereon, unless such tax-payer or person liable to such tax shall, within ten days after notice thereof, make return, on oath, to such Assessor of all his cotton, crude turpentine, spirits of turpentine and resin so liable to tax as aforesaid.

Duty of Treasurer. VIII. That it shall be the duty of the Treasurer to cause the official bonds of the several Tax-Collectors of this State to be examined by the Commissioners appointed in their respective tax Districts to approve public securities, and if the said bonds are found to be sufficient and satisfactory, they shall re-affirm their original approval thereof; but if found insufficient and unsatisfactory, they shall require the same to be re-executed and renewed with good and sufficient sureties.

Money to be borrowed. IX. The Treasurer of the State is hereby authorized to borrow, on the faith and credit of the State, a sum not exceeding one hundred thousand dollars, payable not more than twelve months after date, and to deposit such collateral securities as may be received and transferred to the State by the President of the Bank of the State for the same purpose: *Provided, however,* If the said loan has already been negotiated in accordance with a joint resolution of both Houses of the General Assembly, then the authority granted to the Treasurer shall not be exercised, unless to substitute for the note of the President of the Bank of the State the note or obligation of the Treasurer of the State: *Provided, furthermore,* That the Treasurer shall execute an obligation to the President of the Bank for all collateral securities he may obtain from said Bank in behalf of the State.

Proviso. X. The taxes prescribed to be levied and collected by this Act, as well as the sum of one hundred thousand dollars authorized to be borrowed by this Act; and also all Bills Receivable which may be hereafter issued by

Money, who to pay out.

OF SOUTH CAROLINA.

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virtue of any Act that may be passed at the present session of the General Assembly, shall be paid out by the Treasurer only, in obedience to an Act of the General Assembly at its present or some future session.

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XI. That the President and Directors of the Bank of the State of South Carolina be, and they are hereby, authorized and required to close the the Bank of branches and agencies of said Bank, and that the principal Bank in the State to be closed. Charleston shall cease to be a bank of issue, but shall continue to act as a bank of deposit until further action of the Legislature; and the said President and Directors are hereby authorized and required to collect the assets and property of the Bank, and hold the same specially appropriated, first, to the payment of the principal and interest of the bonds known as the Fire Loan Bonds, payable in Europe; second, to the payment of the principal and interest of the Fire Loan Bonds, payable in the United States; and third, to the redemption of outstanding notes hitherto issued by said Bank. That the Bank aforesaid is hereby required to receive on special deposit, and to pay out on checks founded on such deposits, such Bills Receivable or other evidences of indebtedness as the State may order to be issued in payment of amounts due. That the said Bank shall, as Agent of the State, continue to receive and hold on deposit, as now provided by law, the funds of the State; and the President and Directors are hereby authorized and required to make arrangements, by an agency, for the reception, safe-keeping and paying out of said funds in Columbia, on the draft or order of the Treasurer; and they shall also provide offices for the Comptroller and Treasurer, and for these purposes they are hereby authorized to use any part of the new State Capitol, or any other building belonging to the State which may not be in use by the State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, No. 4729. ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, one hundred twelve hundred dollars; for the Messenger of the Governor, one hundred dollars; for the Contingent Fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

II. In the Legislative Department: For the pay of the Members of the Legislature and the Attorney-General and Solicitors, during the special and present session, fifty-three thousand dollars, if so much be necessary; and for the expenses of the late Convention, nineteen thousand three hundred and two dollars and ten cents; for the salaries of the Clerks of the Senate and House of Representatives, twelve hundred dollars each; and to the said Clerks for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messen-

For Legislative Department.

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A. D. 1865.

gers and two Door-keepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; to the Messengers of the House and Senate, for extra services as mail carriers, fifty dollars each; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each, two hundred and fifty dollars, to be paid at the end of the session; for the services of four Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, the same pay and mileage as is now allowed the Members of the General Assembly; for the printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, to-wit: Printing the Acts, Reports and Resolutions of the General Assembly of one thousand eight hundred and sixty-four; also, the State Constitution, Ordinances, Reports and Resolutions of the Convention; also, the current and permanent work of the special and present session of the General Assembly, and for publishing the Acts and Resolutions of the same in a public newspaper, twenty thousand dollars, if so much be necessary: *Provided*, That the number of copies specified

Time for delivery of public printing. in the proposals of the Printers, as accepted by the Legislature, shall be printed, and deposited in the office of the Treasurer of the State, at Columbia, before the fifteenth day of March next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And further provided*, That the Public Printer do

Acts to be published in his newspaper. published in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within three weeks after the adjournment of the Legislature, and forward by mail, as soon as such paper is issued, a copy to each Member of the General Assembly, and to each of the Judges, and to the Attorney-General, and each of the Solicitors; for stationery, fuel, distributing Acts, and expenses of the election returns, to include the sums due Messengers for bringing and delivering to the Secretary of State the returns of elections for Governor and Lieutenant-Governor, and Members of Congress, four thousand dollars, if so much be necessary; for contingent expenses of Legislative Library, to be paid on draft of the Librarian, accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly, two hundred dollars, if so much be necessary; for the salaries of the two messenger boys of the Senate, one dollar and fifty cents each, per day, during the present session.

For Judiciary Department. III. In the Judiciary Department: For the salary of the Chief Justice, thirty-five hundred dollars; for the salaries of ten Judges, three thousand dollars each; for the salary of the Attorney-General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for that portion of the salaries of the Law Judges and Chancellors of the said State which has accrued from the first of January to the first day of October, of the present year, and is undrawn, namely: the sum of two thousand two hundred and fifty dollars to each Law Judge and Chancellor, and in case of death, to their personal representatives, according to the same rule for the salary of the Attorney-General, the sum of eight hundred and twenty-five dollars; and for each of the Solicitors, the sum of six hundred and seventy-five dollars: *Provided*, That the terms of this appropriation shall not prejudice the claims of these officers for arrears of their salaries previous to first of January, eighteen hundred and sixty-five; for the Clerk of the Court of Appeals, who shall be the Librarian, eight hundred dollars, the same to include the expense of fuel; for the salary of the Messenger of the said Court, two hundred dollars: *Provided*, It shall be the duty of the said Messenger to summon all Members of the Bar who are

Proviso. Members of the Legislature when their cases may be called for trial; for the purchase of books for the Library of the Court of Appeals, one hundred dollars, to be drawn and expended by order of the presiding Justice;

for fire-wood and fuel for the Court of Appeals, fifty dollars, if so much be necessary; for the salary of the State Reporter, one thousand five hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer, only upon warrants, to be drawn by the presiding Judge of the Court of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person or by deputy the sittings of the Court of Appeals, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Court; for thirty-one Judges of the District Courts, five hundred dollars each; for the pay of Jurors and Constables, ten thousand dollars, if so much be necessary.

A. D. 1865.

IV. In the Treasury Department: For the salary of the Treasurer of the State, thirty-two hundred dollars, including the salaries of one or more clerks; for the salary of the Comptroller-General, twenty-five hundred dollars, including clerk's salary, said clerks to be appointed by and removed at the pleasure of the Treasurer and Comptroller-General respectively; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of his annual return, six thousand dollars; for arrears of salaries of the Comptroller-General, Comptroller's clerk, Treasurers of the Upper and Lower Divisions and Secretary of State, due from the first day of January last to the first day of October, eighteen hundred and sixty-five, five thousand nine hundred and thirty-four dollars and thirty-seven cents, if so much be necessary.

In Treasury Department.

V. For the University of South Carolina: For the salaries of eight Professors, eight thousand dollars; for the Librarian of the University, who shall be the Secretary of the Board of Trustees, six hundred dollars, to be paid by the Treasurer of the State, quarterly, in advance, his drafts being countersigned by the Chairman of the Executive Committee of the Board of Trustees.

For South Carolina University.

VI. For the Ordinary Civil Expenses: For the payment of the contingent accounts of the State, four thousand dollars, if so much be necessary; for the payment of pensions and annuities, three hundred dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, four thousand dollars, if so much be necessary; for the education of the deaf and dumb, and of the blind, five thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for the support of Free Schools, twenty-five thousand dollars, if so much be necessary, to be distributed on the basis of representation in the popular branch of the General Assembly, and that no District be excluded from a share of this appropriation because of default of Commissioners in making their annual report; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of other Committees, five thousand dollars, if so much be necessary; for the Lunatic Asylum, twenty thousand eight hundred and ninety-seven dollars, and that twelve thousand dollars of this sum be refunded out of any moneys now due the Asylum, which may be collected during the year, if so much shall be collected; for Librarian, acting also as Treasurer and Secretary of the Trustees, five hundred and twenty-five dollars for the year eighteen hundred and sixty-five.

For Ordinary Civil Expenses.

VII. For Military Expenditures: For the salaries of the following officers: For the salary of the Adjutant and Inspector-General, fifteen hundred dollars; for the support of the Military Academy at Charleston, five thousand dollars, if so much be necessary (to be paid when the Institution goes into operation); for military contingencies, ten thousand dollars, to be drawn and accounted for as directed by the Legislature;

For Military Expenditures.

STATUTES AT LARGE

A. D. 1865. for the salary and services of the Secretary of State, eight hundred dollars, in lieu of all charges against the State for signing military and civil commissions; one thousand dollars for the services of Wm. R. Huntt in preserving the records of the State.

For Ordinary Local Expenditures. VIII. For the Ordinary Local Expenditures: For maintaining and keeping open the Roper Hospital in Charleston, three thousand dollars, to be paid to the Medical Society in trust for the Roper Fund to defray the expenses of the said Hospital: *Provided*, This appropriation shall not go into effect until the buildings shall have been released by the United States military authorities.

For Support of Indians. IX. For the support of the Catawba Indians, twelve hundred dollars, if so much be necessary, to be paid to the order of the Indian Agent, and to be expended under the direction of the Governor.

For Public Buildings. X. For Public Buildings: For building log houses, to serve the purpose of jails, in Kershaw, Sumter, Clarendon, Lancaster, Chesterfield, Barnwell, Richland, Beaufort, Lexington and Orangeburg Districts, one thousand dollars each; for building or renting houses for the sittings of the Court in Clarendon, Orangeburg, Chesterfield, Richland, Barnwell, Beaufort and Lexington Districts, one thousand dollars each; for removing public records to Charleston, three hundred dollars; for removing public records to Barnwell District, one hundred dollars; for removing records of Treasurer of the Upper Division from Newberry Court House to Columbia, about four thousand pounds, the sum of one hundred dollars, if so much be necessary; the above sums, or only so much thereof as may be necessary, are hereby appropriated and are to be drawn and expended by the Commissioners of Public Buildings for the Districts respectively, and accounted for by them; for enclosing the State House Grounds, twenty-five hundred dollars, if so much be necessary, to be paid on the drafts of the Governor.

For Extraordinary Expenditures. XI. For Extraordinary Expenditures: For the rent and fixtures of a house for the use of the Court of Appeals, three hundred dollars, the contract relating thereto to be approved by the Chief Justice before the money is drawn on his order; and for new dockets, the sum of one hundred dollars; for the expenses and services of the Special Agent at Washington, one thousand dollars; for the payment of the Clerk of the Senate and the Clerk of the House of Representatives, for services at the special session, four hundred and fifty dollars each: *Provided*, Said officers shall receive no compensation for services rendered at any extra session called before the fourth Monday in November next. That an amount not exceeding one hundred thousand dollars is hereby appropriated for the payment, when it falls due, of the money authorized to be borrowed under joint resolution of the two Houses, at the present session; and that the Treasurer pay the same from any money in the Treasury; to defray the expenses of the Commissioners on the Code of Laws in relation to persons of color, including hire of clerks, the sum of four hundred dollars, to be paid to the order of either of the Commissioners; to the Treasurer, for having carried the Acts and Resolutions of the General Assembly from any District in which they have accumulated, and where there is a surplus, to any District where they have been destroyed and are needed, the sum of two hundred dollars, if so much be necessary; for the transportation of the State records, five hundred dollars, if so much be necessary, to be paid to the officers having charge of them, in proportion to the cost incurred by them respectively.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

OF SOUTH CAROLINA.

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AN ACT PRELIMINARY TO THE LEGISLATION INDUCED BY THE EMANCIPATION OF SLAVES.

A. D. 1865.

No. 4730.

Preamble.

Whereas the Convention of this State, by the Constitution lately ratified, did recognize the emancipation of slaves, and declare that "neither slavery nor involuntary servitude, except as a punishment for crime, shall ever be re-established in this State," and did direct that, for each District in the State, there should be established an Inferior Court, to be styled "the District Court, which Court shall have jurisdiction of all civil causes wherein one or both of the parties are persons of color, and of all criminal causes wherein the accused is a person of color;" therefore,

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That this ^{Preliminary to certain Acts.} Act shall be preliminary to "An Act to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers, vagrancy and bastardy;" and "An Act to establish District Courts," and "An Act to amend the Criminal Law," which Acts have been induced by the Constitution aforesaid; and that in reference to these Acts the following provisions shall obtain:

II. Words importing the singular number only shall be construed to apply to several persons or things as well as one person or thing, and every word importing the masculine gender only, shall be construed to extend to a female as well as a male, where the context does not forbid such construction.

III. All free negroes, mulattoes and mestizoes, all freedmen and freed-women, and all descendants through either sex of any of these persons, ^{Persons of color.} shall be known as *persons of color*, except that every such descendant, who may have of Caucasian blood seven-eighths or more, shall be deemed a white person.

IV. The statutes and regulations concerning slaves are now inapplicable to persons of color; and although such persons are not entitled to social colored persons. or political equality with white persons, they shall have the right to acquire, own and dispose of property; to make contracts; to enjoy the fruits of their labor; to sue and be sued; and to receive protection under the law in their persons and property.

V. All rights and remedies respecting persons or property, and all duties and liabilities under laws, civil and criminal, which apply to white persons, ^{Rights and Remedies extended.} are extended to persons of color, subject to the modifications made by this Act and the other Acts hereinbefore mentioned.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO AMEND THE CRIMINAL LAW.

No. 4731.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows:

SOME FELONIES WITHOUT BENEFIT OF CLERGY.

I. Either of the crimes specified in this first section shall be felony without benefit of clergy, to wit: For a person of color to commit any willful homicide unless in self-defence; for a person of color to commit an assault upon a white woman with manifest intent to ravish her; for a person of color to have sexual intercourse with a white woman by per-

Assaults.

Rape.

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Theft. Parcels of a dwelling-house. II. A kitchen, smoke-house, corn-crib, store-room, dairy, servants' room, carriage-house, barn or stable, rice-pounding mill, threshing-mill, store-barn, mill-house, gin-house, work-shop, factory or potato-house, within two hundred yards of a dwelling-house, and used by any person residing in the dwelling-house, or in either of the buildings here enumerated, shall be considered parcel of such dwelling-house in respect to the crimes of burglary and arson, and all crimes which, either by common law or statute, are constituted or aggravated by being committed in a dwelling-house. And under this section, any house in which dwells a watchman or other person appointed to watch or protect property, shall be considered a parcel of the dwelling-house, of which all the buildings just enumerated shall be protected.

SOME FELONIES WITH BENEFIT OF CLERGY.

Attempted crimes. III. Either of the crimes specified in this third section shall be felony with benefit of clergy, to wit: For any person to attempt to raise an insurrection or rebellion in this State, or to counsel, aid or hire any other person to raise any insurrection or rebellion, although no insurrection or rebellion may take place; for any person to administer, or cause to be taken by any other person, any poison, chloroform, soporific or other deleterious thing, or to shoot at, stab, cut or wound any other person, or by any means whatsoever to cause bodily injury to any other person, whereby, in any of these cases, a bodily injury, serious but not dangerous to life, is caused to any other person, with intent in any of these cases to commit the crime of murder, or the crime of rape, or the crime of robbery, burglary or larceny; for any person to commit an assault with any kind of loaded arms, or with a sword, dirk, knife, axe, hatchet or other deadly weapon, whereby bodily injury to any person is caused, with intent to commit the crime of murder, or the crime of rape, or the crime of robbery or burglary; for any person to steal or destroy, or willfully conceal, any last will and testament, or any paper in the nature of a last will and testament; for any person to break and enter any corn-crib, cotton-house, gin-house, meat-house, stable, shop, store-room, warehouse, counting-house, or other out-house, not by the second section of this Act, or by previous law, parcel of a dwelling-house, and steal therein any chattel, money or valuable security; for any person to steal any bull, cow, ox, steer or calf; or to steal any sheep, hog or goat; for any person unlawfully and maliciously to burn or destroy, or cause to be burned or destroyed, any cotton, in the seed or ginned, loose or in bale, any corn, shucked or unshucked, any wheat, rice, oats, rye, barley, peas or other grain, thrashed or unthrashed, any fodder, hay, straw or shucks, if property to the value of ten dollars be thereby destroyed; for any person, unlawfully and maliciously, to burn or destroy, or cause to be burned or destroyed, any gin-house, mill-house, shop, or other out-house or build-

ing, not by the second section of this Act, or by previous law, parcel of a dwelling-house; for any servant to steal any chattel, money or valuable security, to the value of ten dollars, belonging to or in the possession or power of his master or employer, or being in any dwelling-house; for any person to take from any field, not belonging to or being in the possession of such person, any cotton, corn, rice or other grain, although the same may not have been severed from the soil fraudulently, with an intent secretly to convert the same to the use of such person taking the same; or for any person wilfully to set fire to turpentine farms; for any person wilfully to cut any rice field dam, or disturb any tank or flood-gate, whereby damage may be caused to the growing crop.

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IV. The punishment of felony with benefit of clergy, for the first offence, shall, at the discretion of the Court, be by one or more of the following modes, to wit: Transportation beyond the limits of this State, and prohibition of return for a period not less than five years; confinement in a penitentiary, work-house, or penal farm, (when such institutions shall exist,) for a period not less than three months, nor more than ten years; with such imposition of hard labor and solitary confinement as may be directed; whipping in all cases involving the *crimen falsi*; disqualification to vote, for a term of years not exceeding twenty, at any election made by the people of this State, or of any part thereof, for any civil or political office; confinement in treadmill or stocks, solitary confinement, hard labor, corporal punishment; imprisonment, not less than three months nor more than ten years; fine, not less than one hundred dollars, nor more than five thousand dollars. But no punishment more degrading than imprisonment shall be imposed on a white person for a crime not infamous.

SOME MISDEMEANORS.

V. The offences specified in this fifth section shall be aggravated misdemeanors, to wit: For any person to administer or attempt to administer to any other person, or to cause to be taken, or to attempt to cause to be taken, by any other person, any poison, chloroform, soporific, or other deleterious thing; or for him to commit an assault on any other person, with intent in any of these cases to commit the crime of murder, or the crime of rape, or the crime of robbery, or larceny, or with the intent to maim, disfigure or disable such other person, or to do some other grievous bodily harm to such other person, or with intent to resist or prevent the lawful apprehension or detainer of any person, although no bodily injury may be effected; for any servant to steal any chattel, money, or valuable security, below the value of ten dollars, belonging to or in the possession or power of his master or employer, or being in any dwelling-house; for any person unlawfully and maliciously to burn or destroy, or cause to be burned or destroyed, any agricultural product, although property to the value of ten dollars may not thereby be destroyed; for a servant to assault his master or employer, or any member of his master's or employer's family, or any person authorized to direct and control him.

VI. All simple larcencies and thefts, where the value of the goods and chattels, moneys and valuable securities stolen is less than ten dollars, shall be misdemeanors, punishable by whipping, corporal punishment, hard labor, and the necessary imprisonment, at the discretion of the Court.

VII. Of chattels, moneys and valuable securities, which were delivered by the owner thereof to any other person to be kept, carried or otherwise dealt with for the owner, or which were in the custody of any other person, under any trust reposed in such other person by the owner, the felonious carrying away by such other person shall be larceny.

VIII. If any clerk, servant or other employee, shall receive or take into his possession any chattel, money or valuable security, for or in the

Aggravated misdemeanors

Punishment for simple larceny.

Violation of trust to be larceny.

Punishment for embezzlement.

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name of, or on the account of his employer or master, and shall fraudulently embezzle the same, or any part thereof, such clerk, servant or employee shall, upon conviction thereof, be punished in the same way as if he had been convicted of having feloniously stolen from the employer or master chattels, moneys or valuable securities of the same amount in value. In any such case, except when the offence shall relate to a chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security, and to prove the embezzlement of any amount of moneys or valuable securities. If in any such case, upon the trial the proof shall show a larceny, the Jury shall be at liberty to return a verdict that the offender is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a servant, as the case may be; and upon the trial of a clerk, servant or employee for larceny, if the proof shall show an embezzlement, the Jury shall be at liberty to return a verdict that the offender is not guilty of larceny, but is guilty of embezzlement; and thereupon, in either case, the effect shall be the same as if the offence whereof the offender is found guilty had been specially alleged, the amount in value being taken to be that which was alleged, unless the verdict shall fix a less amount. No person tried for embezzlement or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

An accessory guilty of a felony. **IX.** If any person shall incite, procure, hire or counsel a servant to commit a larceny or embezzlement of any chattels, money or valuable security of his master, such offender shall be guilty of an offence, which, according to the event, may be a misdemeanor or a felony. If the said larceny or embezzlement should not be committed by such servant, the offender shall be guilty of a misdemeanor, and, upon conviction, be punished as if he had been convicted of simple larceny of goods below the value of ten dollars. If the said larceny or embezzlement should be committed by the servant, and be itself only a misdemeanor, the offender aforesaid shall be deemed a principal in that misdemeanor, and, upon conviction, be punished accordingly. If the said larceny or embezzlement committed by the servant should be a felony, the offender aforesaid shall be an accessory before the fact, may be tried and convicted, whether his principal be or be not previously convicted, and, upon conviction, shall be punished according to the nature of his crime under the law.

Unlawful sale of property. **X.** A person of color who is in the employment of a master engaged in husbandry shall not have the right to sell any corn, rice, peas, wheat or other grain; any flour, cotton, fodder, hay, bacon, fresh meat of any kind, poultry of any kind, animal of any kind, or any other product of a farm, without having written evidence from such master or some person authorized by him, or from the District Judge or a Magistrate, that he has the right to sell such product; and if any person shall directly or indirectly purchase any such product from such person of color, without such written evidence, the purchaser and seller shall each be guilty of a misdemeanor. The purchaser, upon conviction of any such offence, shall be liable to a fine not exceeding five hundred dollars, and to suffer imprisonment not exceeding twelve months. The seller shall be liable to a fine of at least five dollars, and at least equal to twice the value of the product sold; and if that be not immediately paid, shall suffer corporal punishment.

Unauthor- ized writing. **XI.** It shall be a misdemeanor for any person, not authorized to write or give to a person of color a writing which professes to show evidence of the right of that person of color to sell any product of a farm, which, by the section last preceding, he is forbidden to sell without written evidence; and any person convicted of this misdemeanor shall be liable to the same extent as the purchaser, in the section last preceding, is

made liable; and it shall be a misdemeanor for a person of color to exhibit, as evidence of his right to sell any product, a writing which he knows to be false or counterfeited, or to have been written or given by any person not authorized; and, on conviction of this misdemeanor before the District Court or a Magistrate, such person of color shall be liable, as, in section last preceding, the seller is made liable. These provisions shall *mutatis mutandis* extend to cases where the writing professes to be a permit of absence, or permit of any other kind. The fines in any of these cases being at the discretion of the Judge or Magistrate.

XII. Where no special punishment is provided for a misdemeanor, it shall, according to its nature and degree, be punished, at the discretion of the Court, by one or more of the modes of punishment which, in the fourth section of this Act, have been enumerated for a felony with benefit of clergy, except transportation.

XIII. Persons of color constitute no part of the Militia of the State, and no one of them shall, without permission in writing from the District Judge or Magistrate, be allowed to keep a fire-arm, sword, or other military weapon; except that one of them, who is the owner of a farm, may keep a shot-gun or rifle, such as is ordinarily used in hunting, but not a pistol, musket, or other fire-arm or weapon appropriate for purposes of war. The District Judge or a Magistrate may give an order, under which any weapon unlawfully kept may be seized and sold, the proceeds of sale to go into the District Court Fund. The possession of a weapon in violation of this Act shall be a misdemeanor, which shall be tried before a District Court or a Magistrate; and, in case of conviction, shall be punished by a fine equal to twice the value of the weapon so unlawfully kept; and if that be not immediately paid, by corporal punishment.

XIV. It shall not be lawful for a person of color to be the owner, in whole or in part, of any distillery where spirituous liquors of any kind are made, or of any establishment where spirituous liquors of any kind are sold by retail; nor for a person of color to be engaged in distilling any spirituous liquors, or in retailing the same in a shop or elsewhere. A person of color who shall do anything contrary to the prohibitions herein contained shall be guilty of a misdemeanor, and, upon conviction, may be punished by fine or corporal punishment and hard labor, as to the District Judge or Magistrate, before whom he may be tried, shall seem meet.

XV. If any person shall falsely personate any master or employer; and shall, either personally or in writing, give any false, forged or counterfeited character to any person offering himself to be hired as a servant, such person so offending shall be guilty of a misdemeanor.

XVI. If any person shall knowingly and willfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatever, other than that for which, or in which, such servant shall have been hired or retained, such person so offending shall be guilty of a misdemeanor.

XVII. If any person shall knowingly and willfully pretend, or falsely assert in writing, that any servant was discharged, or left his service, at any other time than that at which he was discharged or actually left such service, or that any such servant had not been hired or employed in any person's service, contrary to truth, then, in either of these cases, such person shall be guilty of a misdemeanor.

XVIII. If any person shall offer himself as a servant, asserting or pretending that he hath served in any service in which he shall not actually have served, or with a false, forged or counterfeit certificate of his character, or shall, in anywise, add to, or alter, efface or erase any date, matter or thing contained in, or referred to, in any certificate given to him by his last or former actual master or employer, or by any other person duly

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Degree of punishment.

Persons of color not part of Militia.

Carrying of weapons a misdemeanor.

Distilleries.

False assertions.

False discharges.

Counterfeit certificates.

A. D. 1865. A hired servant offering service. authorized by such master or employer to give the same, then, in either of these cases, such person so offending shall be guilty of a misdemeanor.

XIX. If any person, having before been in service, shall, when offering to hire himself as a servant in any service whatsoever, falsely and willfully pretend not to have been hired or retained in any previous service as a servant, such person so offending shall be guilty of a misdemeanor.

Punishments for some misdemeanors. XX. In case of conviction of either of the, misdemeanors specified in the five sections last preceding, the punishment shall be a fine not exceeding one hundred dollars; and in case the fine shall not be immediately paid, there shall be substitution of other punishments, as herein-after provided.

Trespass a misdemeanor. XXI. Every willful trespass is hereby declared to be a misdemeanor, and any person guilty thereof may be either sued for damages, or prosecuted for the misdemeanor, at the option of the party injured; and, in case of conviction of the misdemeanor, the punishment shall be a fine apportioned to the damage done, and the circumstances of enormity attending the trespass, with substitution of other punishment, as herein-after provided, if the fine be not immediately paid.

Migration into this State. XXII. No person of color shall migrate into and reside in this State, unless, within twenty days after his arrival within the same, he shall enter into a bond with two freeholders as sureties, to be approved by the Judge of the District Court or a Magistrate, in a penalty of one thousand dollars, conditioned for his good behavior, and for his support, if he should become unable to support himself. And in case any such person shall fail to execute the bond as aforesaid, the District Judge or any Magistrate is hereby authorized and required, upon complaint and due proof thereof, to issue his warrant commanding such person of color to leave the State within ten days thereafter. And if any such person, so

Orders to leave the State, shall not leave the State within the time prescribed in such warrant, he shall, upon conviction thereof, be liable to such corporal punishment as the Court in its discretion shall think fit to order. And if any such person so convicted and punished shall still remain within the State more than fifteen days after the punishment shall have been inflicted, or having left the State, shall return to the same, he shall, upon conviction thereof, be transported beyond the limits of this State for life, or be kept to hard labor, with occasional solitary confinement, for a period not exceeding five years. And if any person of color,

Offences in other States. who shall have been convicted of any infamous offence in any other State or country, shall come or be brought into this State, such person of color, on conviction thereof, shall be transported beyond the limits of this State for life, or be kept to hard labor, with occasional solitary confinement, for any period not exceeding fifteen years.

PROVISIONS EXTENDING TO ALL CLASSES OF OFFENCES AND ALL COURTS—
SOME PROVISIONS UNDER OTHER HEADS LIKEWISE EXTENDING TO ALL COURTS.

Trial for felony. XXIII. On the trial of any person for felony, when the crime charged shall include an assault against the person, it shall be lawful for the Jury to acquit of the felony, and to find against the person indicted a verdict of guilty of assault, if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall have the power, by sentence, to impose upon the person so found guilty, punishment by fine, imprisonment, hard labor, corporal punishment, and solitary confinement, one or more, as may, in the opinion of the Judge, be required by the degree of the offence. In like manner there may be conviction of any less offence contained in a greater which is charged, and punishment at the discretion of the Court, according to the nature and degree of the offence of which the accused has been found guilty.

XXIV. When several persons of color are convicted of one capital offence, the Jury which tries them may recommend one or more to mercy, for reasons which in their opinion mitigate the guilt; the District Judge shall report the case with his opinion, and the Governor shall do in the action to mercy as seems to him meet. The same may be done when one only is convicted of a capital offence. Before sentence of death shall be executed in any case, time for application to the Governor shall be allowed.

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XXV. Hard labor shall be work on the roads, streets, or public works, under the supervision of a Superintendent of Convicts, if there be such an officer who can be conveniently employed, or under the supervision of the Sheriff, a Constable, Jailer, or other person that may be appointed by the District Judge, or by the Sheriff; or it shall be work on any building, or other undertaking, or in any business of a private individual, who will pay reasonable wages, and can be safely entrusted with the supervision; the Judge or the Sheriff, under the directions of the District Judge, making choice of the place and manner of employment from time to time. In any case the work may, according to the directions of the Judge, be without unusual pain or restraint, or it may be done in a chain gang, or with ball and chain, or under other pain or burden; and it may be without, or may be attended with confinement. A Magistrate shall, as to cases before him, have the power which is here given to the District Judge.

Hard labor.

XXVI. Corporal punishment is intended to include only such modes of punishment, not affecting life or limb, as are used in the army or navy of the United States, adapted in kind and degree to the nature of the offence. The sentence in each case, and directions of the Judge or Magistrate, shall define it. Whipping, when it is provided for by the law, shall be inflicted as heretofore.

Corporal punishment.

XXVII. Whenever, under any law, sentence imposing a fine is passed, if the fine and costs be not immediately paid, there shall be detention of the convict, and substitution of other punishment. If the offence should not involve the *crimen falsi*, and be infamous, the substitution shall be, in the case of a white person, imprisonment for a time proportioned to the fine, at the rate of one day for each dollar; and in the case of a person of color, enforced labor without unnecessary pain or restraint, for a time proportioned to the fine, at the rate of one day for each dollar. But if the offence should be infamous, there shall be substituted for a fine, for imprisonment, or for both, hard labor, corporal punishment, solitary confinement, and confinement in tread-mill or stocks, one or more, at the discretion of the Judge of the Superior Court, the District Judge, or the Magistrate who pronounces the sentence. In this Act, and in respect to all crimes and misdemeanors, the term servant shall be understood to embrace an apprentice as well as a servant under contract.

Substitution of punishment.

SUPERINTENDENT OF CONVICTS.

XXVIII. The District Judge, when he may think it necessary, shall have power to appoint a Superintendent of Convicts, whose duty it shall be to superintend as many as he can of convicts sentenced to hard labor, to inflict corporal punishments directed upon all convicts within his reach, and to execute the orders of the Judge, Sheriff or Magistrate, in relation to these matters. The Superintendent shall, at his pleasure, have access to apartments in the jail for necessary confinement of convicts, and may, by all necessary means, enforce his authority over the convicts under his supervision, punish their disobedience, and overcome resistance, or attempted rescue offered by them, or any other person. When he shall deem it necessary, he may call upon the *posse comitatus*, with the same effect and under like penalties to those who disobey it, as the Sheriff might do. The Superintendent shall receive a suitable compensation, to be fixed by the District Judge, and paid from the District Court

Appointment of Superintendent of Convicts.

A. D. 1866. Fund. All wages received from the labor of convicts shall go into that fund, and from that shall be provided food and other necessaries for the convicts.

ARREST OF OFFENDERS.

XXIX. Upon view of a misdemeanor committed by a person of color, or by a white person toward a person of color, a Magistrate may arrest the offender, and, according to the nature of the case, punish the offender summarily, or bind him in recognizance, with sufficient sureties, to appear at the next monthly sitting of the District Court, or commit him for trial before the District Court.

Any person can complain of any person present may arrest the offender and take him before a Magistrate, to be dealt with as the case may require. In case of a misdemeanor committed by a white person toward a person of color, any person may complain to a Magistrate, who shall cause the offender to be arrested, and, according to the nature of the case, to be brought before himself, or be taken for trial in the District Court.

XXXI. Upon view of a felony committed, or upon certain information that a felony has been committed, any person may arrest the felon and take him directly to the District Judge or a Magistrate, to be dealt with according to law.

Arrest at night. XXXII. In the night time, any person may be arrested by such efficient means as the darkness and the probability of his escape render necessary, even if his life should be thereby taken, in cases where he has committed a felony, or has entered a dwelling-house with evil intent, or has broken, or is breaking into an out-house, with a view to plunder, or has in his possession stolen property, or being under circumstances which raise just suspicion of his design to steal or to commit some felony, flees when he is hailed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORE.

No. 4732.

AN ACT TO ESTABLISH DISTRICT COURTS.

Certain District Courts established. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows: In each Judicial District of the State, except Charleston, there shall be established a District Court, which shall be organized by the Judge thereof as soon as possible after his election. In the Judicial District of Charleston, there shall be established two District Courts; one for the Election District of Charleston, and one for the Election District of Berkeley.

Salaries of Judges. II. The Judge of each District Court shall receive, from the Treasurer of the State, a salary of five hundred dollars a year, payable quarterly; and he shall be entitled, for a further compensation, to receive, annually, from the District Court Fund, as hereinafter provided, an additional sum, as follows, to wit: For Abbeville District, seven hundred dollars; Barnwell District, seven hundred dollars; Colleton District, one thousand dollars; Chester District, five hundred dollars; Darlington District, five hundred dollars; Edgefield District, eight hundred dollars; Fairfield District, five hundred dollars; Georgetown District, one thousand dollars; Laurens District, five hundred dollars; Newberry District, five

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hundred dollars; Orangeburg District, five hundred dollars; Richland District, one thousand dollars; Sumter District, seven hundred dollars; Union District, five hundred dollars; York District, five hundred dollars; Williamsburg District, five hundred dollars; Berkeley Election District, one thousand dollars; Charleston Election District, one thousand dollars; Beaufort District, one thousand dollars; Kershaw District, five hundred dollars; and for the District Judge in each of the other Judicial Districts of this State, the sum of five hundred dollars: *Provided, however,* That in case the District Court Fund in any District shall prove insufficient for the purpose for such additional compensation, as is herein provided, no claim for the whole or any part of such additional compensation, upon the Treasury of the State, shall arise by reason of such deficiency: *And provided, also,* That the time when the salaries herein provided for shall commence shall be when the Court is organized, and the Judge is empowered to execute this Act.

A. D. 1865.

III. For each District Court, the Clerk and Sheriff of the District shall respectively be Clerk and Sheriff, and may act in person, or by deputy. Whenever, in this Act, or other Acts passed at this session, one of these officers is mentioned, either he or his deputy is meant, unless the context shows that only he himself is intended.

Proviso.

IV. The Judge, Clerk and Sheriff of a District Court shall each, before entering on the duties of his office, take the official oath prescribed in the Constitution of the State, and also the following oath, viz: "I solemnly swear, (or affirm,) that as (Judge, Clerk or Sheriff, as the case may be,) of the District Court for the District of _____, I will earnestly endeavor to do what is required of me by law, and without prejudice for or against race or color, to conduct myself as becomes an upright and faithful officer." These oaths shall be endorsed on the commission or certificate of appointment of the officer, and with it be entered on the Journal of the District Court.

Clerk and Sheriff.

Oaths of office.

V. The office of every Magistrate now in office shall continue according to the terms of the appointment under which it is held, with the powers and rights now by law attaching and incident to such office. The Magistrates who are appointed to exercise the powers and duties, and to have the rights imposed by this Act, and the Act entitled "An Act to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers and vagrancy," shall be appointed in every District by the District Judge thereof, by and with the advice and consent of a majority of the Delegation of such District in the General Assembly, in such number and so located as the condition of the District may, from time to time, require; and such Magistrates shall have all the powers and rights and may exercise all the duties of Magistrates, by law conferred on Magistrates. Each Magistrate so appointed shall, before entering on the duties of his office, take, before the Clerk of his District, the oaths heretofore prescribed for the District Judge, and also the oath prescribed in the second section of the "Act concerning the office and duties of Magistrates," passed Anno Domini one thousand eight hundred and thirty-nine, and shall sign a roll as required in that section. The term of his office shall be four years from the day he signed the roll.

Continuation of the office of Magistrates.

VI. The sum which limits the proceeding by summary process is enlarged to one hundred dollars, exclusive of costs. In every case under that proceeding, either party may be a witness in his own behalf, or may be required by the adverse party to testify, either by being served with a subpoena, or by being called up under a commission, in like manner as in like circumstances another witness in the case could be; the practice now prevailing in reference to interrogatories propounded to an adverse party not being hereby interfered with. And in every such case, no person

Limits of summary process.

STATUTES AT LARGE

A. D. 1865. shall be held incompetent as a witness because of interest. Of all such cases, where both the parties litigant are white persons, there shall be concurrent jurisdiction in the Superior Court of Law and in the District Court; all laws, rules, fees, powers and practice in respect to such cases which may prevail in the Superior Court being extended to the District Court.

Jurisdiction of District Courts. VII. The District Court shall have exclusive jurisdiction, subject to appeal, of all civil cases where one or both of the parties are persons of color, and of all criminal cases wherein the accused is a person of color, and also of all cases of misdemeanor affecting the person or property of a person of color, and of all cases of bastardy, and all cases of vagrancy, not tried before a Magistrate. In these cases, the same laws, fees, powers and practice shall prevail in the District Court as in the Superior Court, except as to Juries, concerning which provision is hereinafter made, and except as to matters of form, concerning which power is hereinafter given to the Court of Appeals. In the District Court, prosecutions shall be

Prosecutions. conducted by the Attorney-General, or Solicitor of the Circuit, to which the District belongs, or by a deputy appointed by such Attorney-General or Solicitor; or, in the absence of all of these, by an Attorney appointed by the District Judge. Whenever in a case affecting the person or property of a person of color, which arises within the District of a District Judge, that Judge may have an interest, the process may be made returnable, and the case be tried before the District Court of any adjoining District which the plaintiff or actor in the case may select.

Powers in reference to Constables and Jurors. VIII. The District Court shall have the same power and jurisdiction as the Superior Court of Law in reference to Constables, Jurors, punishment of contempt. The District Court shall have power in all cases of tenants holding over, cases of forcible entry and detainer, cases under the Insolvent Debtors Acts, where the arrest and detention are under the process of a District Court, all cases under the Prison Bounds Acts, and all matters of District police; the practice being always conformed, in general, to that of the Superior Court, subject to the rules which may be made by the Court of Appeals.

Supervision of District Judge. IX. The Judge of a District Court shall, in all respects, have the power of a Magistrate for his District. He shall exercise supervision over the Clerk and Sheriff of his Court, the Coroner, all Magistrates, Constables, Boards of Commissioners, and other public functionaries of his District; and from him to any of them may proceed orders, rules and attachments, or writs of mandamus, prohibition, *certiorari*, *quo warranto* or *scire facias*.

Powers in reference to habeas corpus. X. The Judge of a District Court shall have the powers in respect to *habeas corpus* which two Magistrates have under the ninth section of the "Act concerning the office and duties of Magistrates," passed Anno Domini one thousand eight hundred and thirty-nine; he may admit to bail in all cases bailable, and in all cases triable in his Court; and may also exercise jurisdiction under *habeas corpus* at common law in all cases, within his District, where the liberty of a person of color is restrained, or the liberty of any person is restrained by a person of color; and in all cases, within his District, which affect white persons only; except that he shall not have the power of a Judge of a Superior Court to discharge or let to bail a white person charged with a felony not clergyable, against whom a true bill has been found.

In reference to vagrants and tenants. XI. The Judge of a District Court shall have the power which is given to two Magistrates by the Act of one thousand seven hundred and eighty-seven concerning vagrants; and shall likewise have the power which two Magistrates have under the twenty-third section of the "Act concerning the office and duties of Magistrates," passed Anno Domini one thousand eight hundred and thirty-nine, in respect to tenants holding over; and in the case of a tenant holding over, or of an issue of fact to be tried under the Prison Bounds Act, or in any other case

where, by law, there is provision for trial or inquest by a Jury before one or more Magistrates, the District Judge may either proceed to organize a Jury, as Magistrates are directed to do, and have trial before himself at a place to be appointed by him, or may take the case into his Court, and submit it to a Jury organized there, as is hereinafter provided; and the verdict had in either course shall have all the effect which any verdict before Magistrates would have. An appeal may be taken by either party to a Circuit Judge at Chambers, or in open Court, from the decision of the District Court on the trial of any case between landlord and tenant, or of forcible entry and detainer: *Provided*, That notice of the appeal shall be given in writing to the District Judge, and to the opposite party, or his attorney, within twenty-four hours after the decision shall have been rendered; and that a time not exceeding twenty days shall be stated in the notice as the time at which the application to hear the appeal will be made, which notice shall state before what Judge, and at what place the application will be made. It shall be the duty of the District Judge on whom the notice of appeal may be served to deliver to the appellant or his attorney, within two days after service of such notice, a certified copy of all the proceedings in the case; and for such certificate and copy, the Clerk of the District Court shall be entitled to charge as costs, in the case, fifty cents for the certificate, and one mill for each word of such copy. The Judge before whom the appeal shall be heard shall have the power to reverse the decision, if there be no evidence upon which to sustain it, in cases where the decision shall be for the plaintiff or actor; or may, in any case, grant a new trial, or order an issue made up to be tried in the Circuit Court.

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Proviso.

Decision re-versed.

XII. The District Court shall be always open, and shall be a Court of Record. Ordinarily, it shall sit in the Court Room of the District Court House, except in the District of Berkeley. A place near by shall be provided by the Commissioners of Public Buildings for its sittings, when the District Court Room may be occupied by the Superior Court. For any sitting, Court, except the quarterly sittings hereinafter mentioned, the District Judge may, however, appoint any place in his District; and there parties, witnesses, Jurors and other persons concerned, shall be bound, having due notice, to attend; every summons, notice and process being, however, understood to require attendance at the Court House, if another place be not specified.

Sittings of the District Court.

XIII. All judgments and decrees obtained in the District Court, the effect of which would be to create a lien on the property of the defendant, shall be entered up at such times as judgments obtained in the Circuit Court thence next ensuing may be entered up.

Judgments.

XIV. On the first Monday of every month shall be a monthly sitting of the District Court, which shall continue as long as the despatch of business may require. At this sitting may be tried small and mean causes, small matters, civil and criminal, between persons of color, between white persons and persons of color, between master and servant, between master and apprentice, and between employer and laborer, petty misdemeanors, imputed to persons of color, complaints by persons of color against white persons of misdemeanors, for which a fine not exceeding twenty dollars is a sufficient punishment, civil suits, involving not more than twenty dollars, in which a person of color is a party, and questions concerning vagrants and paupers not requiring a Jury. Any business to which a Judge at Chambers is competent, and other business which does not require a Jury, may also be done. Besides all business which may be done, as aforesaid, there may also, at this sitting of the District Court, be tried cases of aggravated misdemeanors and clergyable felonies, of which persons of color may be accused, and of misdemeanors requiring punishment exceeding a fine of twenty dollars, and affecting the person or property of a person of color, of which white persons may be accused. These cases may be tried by a

Monthly sittings of District Courts.

Cases that may be tried.

A. D. 1865. Common Jury, organized as hereinafter provided; and, in case of conviction, punishment shall be awarded by the Judge, according to the practice of the Superior Court of Law. At this sitting may also be tried cases of tenants holding over, cases under the Prison Bounds or Insolvent Debtors Acts, which are hereinbefore mentioned, and any issue in a civil suit ordered to be tried before a Common Jury.

Common Jury. XV. Previous to a monthly sitting, if the nature of the business shall require a Jury, the Judge shall direct the Sheriff to summon a Common Jury. Thereupon, the Sheriff shall return the names of eighteen citizens of the District, and from these nine shall be drawn, in the presence of the Judge, at least ten days before the said monthly sitting; and the Jurors so drawn shall be summoned by the Sheriff, and served with tickets, at least five days before they are required to attend; and they shall be bound to attend under the penalties which may fall upon defaulting Jurors in the Superior Court of Law. Of those who attend, six shall be drawn in open Court, of whom the four first drawn shall constitute the Common Jury for that sitting, the other two being supernumeraries, to supply vacancies. The others who may attend shall be discharged without pay; but the six drawn shall be entitled to like pay as Jurors in the Superior Court of Law. If less than six, out of the nine summoned, should attend, the Sheriff shall summon a sufficient number that may be drawn of the original eighteen, or in case of their insufficiency, of any other citizens: *Provided*, No person shall be required to attend as a Juror more than once in six months. The right to challenge peremptorily one Juror is given to the accused and to the prosecuting officer in any criminal case triable before a Jury, at a monthly sitting; and the same right is given to each party in a civil suit there triable; unanimity of the four Jurors shall be requisite for a verdict.

Quarterly sitting of District Court. XVI. Four times a year there shall be a quarterly sitting of the District Court, to be continued so long as business may require, and if necessary, to be adjourned from week to week; at which, besides any business that may be done at a monthly sitting, may be tried cases of summary process pending in the Court; civil suits, above the summary jurisdiction, wherein one or both of the parties are persons of color, cases of crime or felony punishable by death without benefit of clergy, of which persons of color may be accused, and any other matters pending in the Court. The proceedings in the cases severally shall be, in general, similar to those in like cases in the Superior Court of Law, subject to the diversities in form which may be produced by the rules adopted by the Court of Appeals, as hereinafter provided.

Form of proceedings. XVII. For each quarterly sitting, Jurors shall be drawn at a monthly sitting, not more than forty nor less than ten days before such quarterly sitting, who shall, under a venire, be summoned by the Sheriff five days preceding the time which may be fixed for the commencement of the quarterly sitting. With a view to these Jurors, once in every two years a list shall be procured from the Tax-Collector; from that the names of all Jurors qualified to sit as Jurors in the Superior Court shall be entered on tickets, and from those tickets there shall be drawn, for each quarterly sitting, twenty-four, to be copied in the panel annexed to the venire. At the quarterly sitting, from those of the twenty-four who attend, eight shall be drawn, in open Court, who shall constitute a Grand Jury, and twelve shall be drawn, who shall constitute a Petit Jury of six, to be called a Special Jury, and six supernumeraries. Of the Grand Jurors, the concurrence of six shall be necessary to the finding of a true bill. In the Special Jury, unanimity of the six shall be required for a verdict.

Grand and Special Juries. At the opening of a trial, in a capital case, at least twelve Jurors shall be present, and of these the accused may make peremptory challenges until the number shall be reduced to six. At the opening of a trial in a civil suit, or in a

criminal case not capital, not more than ten Jurors need be present, and each party alternately in a civil suit, and the accused, in a criminal case, not capital, may make peremptory challenges, until the Jury of six is left. If there should not be sufficient reduction by challenges, the six shall be ascertained by drawing. An insufficient number in any instance shall be supplied by Jurors whom the Sheriff shall summon, of the same persons, and in the same way, as has been hereinbefore provided in respect to a Common Jury. A Special Jury may do anything for which a Common Jury is competent. Challenges for cause at either the monthly or quarterly sittings shall be unlimited. A separate jury-box shall be provided for the District Court, and in respect to Juries, the orders of Court, duties of Tax-Collector, Sheriff and Clerk, pay of Jurors, penalties for default, and all laws and practice shall, with such modifications as the provisions herein made, and the rules adopted by the Court of Appeals may render necessary, be the same in the District Court as in the Superior Court.

XVIII. The Judge shall take care, by proper arrangements of the order of business, and by discharging all Jurors who may be present above the necessary number, to reduce the expenses of his Court as much as justice will permit. Each Juror shall receive from the Clerk a certificate signed by the Clerk, and countersigned by the Judge, for such sum as for like services he would have received if a Juror of the Superior Court; and this sum shall be paid under the order of the District Court Judge. In like manner, there shall be a certificate and payment for any Constable that may attend the Court under the order of the Sheriff, of whom there shall not be more than three without the order of the Judge, which shall be granted only in cases of necessity. The Clerk shall enter on the Journal of the Court a roll containing the names of the Jurors and Constables who receive certificates, with the sums paid to them respectively; and copies of the rolls for the year preceding, the Clerk shall, annually, after the quarterly sitting in each year, which ends next before the regular session of the General Assembly, transmit to the Treasurer. A condensed statement of all the rolls for all the Districts of the State shall be contained in the annual report of the Treasurer.

XIX. The Judges of the Court of Appeals shall, from time to time, fix the days upon which the quarterly sittings of the District Court in each District shall convene, avoiding, as far as possible, interference with the Superior Courts in that District or neighboring District, giving public notice of the several days fixed, and making no unnecessary changes.

XX. The District Court shall have exclusive jurisdiction, subject to appeal, of all matters of equity, wherein one or both of the parties are persons of color. These matters shall be heard and determined by the District Judge at a quarterly sitting, or at such other time as with his concurrence the parties may fix, with an appeal as from a Chancellor on Circuit. In respect to them, the Commissioner in Equity for the District shall regard the Judge of the District Court as he does a Chancellor in respect to matters in the Superior Court of Equity; and in both of these Courts, the law, practice, fees, modes of proceeding, and effect of orders and process shall be, as nearly as may be, the same.

XXI. The Judge of a District Court may practice as an Attorney or Solicitor in the Superior Courts of Law and Equity, except in cases which have been argued before him or heard in his Court; but he shall not have a partner in the practice in the District of which he is the Judge.

XXII. The Clerk of a District Court shall attend the monthly and quarterly sittings of the Court, and all other sittings at which the Judge shall require him to attend. He shall keep a full and exact journal of every order, decision, verdict, sentence and act of the Court; having one book for civil suits in which only white persons are parties; second, a

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Powers of a
Special Jury.Reduction
of expenses of
Court.Entries on
the Journal.Judges of
Court of Ap-
peals to fix the
times for hold-
ing District
Courts.Matters de-
termined at
quarterly sitt-
ings.Privileges of
Judges.Duties of the
Clerk of the
District Court.

A. D. 1863. book for vagrancy and bastardy; a third book for civil suits in which persons of color are parties; and a fourth for criminal matters, affecting persons of color. All process from the Court shall be signed by him and be sealed. All papers which come into his office shall be carefully kept, and those which are to remain there shall be arranged, labelled and filed away, as nearly as may be, according to the directions given by law concerning papers of the Superior Courts.

Journal of all decisions. XXIII. The Judge shall himself keep a journal of all orders, decisions, sentences and acts of the Court, when, in the absence of the Clerk, he is sitting without a Jury, which journal shall, from time to time, at least once a quarter, be filed in the Clerk's office. He may, when necessary, appoint a Clerk *pro tempore*.

Execution of all orders. XXIV. The Sheriff shall execute all orders, sentences and process from the District Court under like penalties for neglect as for neglect of like

orders, sentences and process from a Superior Court; and in like manner he shall, for such neglect, be liable to rule, attachment, action and forfeiture. The Sheriff shall have power to call on the *posse comitatus* to aid him in the execution of all such orders, sentences and process, meane or final, in civil or criminal matters, where more force than that of one man is required, or resistance is apprehended. Every person who being called to aid as one of the *posse*, does not immediately and earnestly give aid according to the direction of the Sheriff, shall be subject to rule and attachment for contempt, and to a fine not less than twenty dollars, nor more than five hundred dollars.

Aid to Sheriff. Return day. XXV. The return day of the District Court, for meane process in civil suits, triable at the quarterly sitting, shall be eight days before each quarterly sitting. In the Superior Court and District Court, the law and practice shall be the same as to the leins of judgments and decrees as to the manner of serving process, process served after return day, several defendants residing in different Districts, writs of *heli facias* and *capias ad satisfaciendum*, exemptions from arrest, bail bonds, orders for suspending executions, writs of attachment, and all other matters wherein diversity is not produced by Act of the Legislature, or rules made by the Judges, as hereinafter provided.

Fees of Clerk and Sheriff. XXVI. All fees for services required from the Clerk and Sheriff of the District Court shall be paid in cash by the party requiring the services, and according to the judgment and order of the Court, may or may not be recovered against the opposite party. This provision shall extend to all cases, by summary process, in the Superior Court of Law.

Duties of Sheriff. XXVII. The Sheriff shall keep the papers which come to his office from a District Court separate from those which come from a Superior Court. He shall in one book enter all meane process from the District Court, and in another, all final process from that Court; taking care, however, to preserve the priority of liens by attachment or execution, whatever Court the process may come from.

Fines and other moneys. XXVIII. All fines, penalties, forfeitures and other moneys belonging to the District Court Fund, which the Sheriff may collect under orders, sentences or process of the District Court, and all such moneys as may be turned over to him by any other officer, the Sheriff shall hold under the security of his official bond, until they shall be paid under the order or draft of the District Judge. Aids paid for licenses, and such aids for approval of contracts and instruments of apprenticeship, and such fees for reports upon appeals from the District Judge as the Judge may direct the Clerk to receive, and the Clerk may receive, and all other moneys belonging to the District Court Fund, whether collected first by the Clerk or turned over to him by some other officer who had collected them, which may come to the hands of the Clerk, the Clerk shall hold under the security of his official bond, until they shall be paid under the

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order or draft of the District Judge. Each Magistrate shall, at least once in every three months, report and pay to the Chairman of the Board of Relief of Indigent Persons of Color the moneys received by him from aids, taxes, fines and penalties, and all other moneys belonging to the District Court Fund which have come to his hands. On the first day of each quarterly sitting of the District Court, the Sheriff, the Clerk, each Magistrate of the District, the Chairman of the Board aforesaid, the Superintendent of Convicts, and every person (besides a Constable, who must make returns to a Magistrate,) who may have had charge of convicts, or received wages or other moneys which belong to the District Court Fund, shall each make to the Court a full and minute report of his receipts, disbursements and payments, showing the items on each side of the account, and the exact balance in his hands, accompanied by an estimate of the probable receipts and requirements in his department for the next quarter. The report of the Chairman aforesaid shall specially set forth all known delinquencies of Magistrates in reporting, paying or discharging other duty, with the name of the delinquents. The District Judge shall examine all of these reports carefully, and take the most prompt and energetic means to prevent and correct all defalcations and omissions. Having ascertained the amount of the District Fund which is on hand, including what he himself may have, he shall, by orders entered on the Journal of his Court, direct payments to be made by the officers respectively, in such sums as he may designate, to the following purposes, namely: 1. The annual additional compensation of the Judge, of which one-fourth shall be taken each quarter. 2. Jarors certificates. 3. Expenses of the Court, including fees payable out of the District Court Fund. 4. Pay of Superintendent and other expenses of convicts. 5. Balance to be paid to the Chairman of the Board of Relief of Indigent Persons of Color, for the uses of that Board. For their services in respect to the collection and disbursement of the District Court Fund, the several officers shall, in the settlement of their accounts, be allowed commissions as follows: The Sheriff and Magistrate shall each have five per centum upon all sums collected by him, to be in addition to commissions which, with other fees, a Sheriff or Constable may exact from other persons against whom he executes process; and the Sheriff and Magistrate shall each be further allowed two-and-a-half per centum upon the proper disbursements made by him. The Clerk, Superintendent of Convicts, Jailer, and other person who may have had supervision of convicts, or received wages belonging to the District Court Fund, shall each have two-and-a-half per centum upon all sums collected by him, and two-and-a-half per centum upon all sums disbursed by him. In no case shall sums collected be understood to include sums received from some other of the officers who are required to make reports as hereinbefore provided, nor disbursements to include sums turned over to another of those officers. It shall be the duty of the District Judge to guard the fund against duplicated commissions, as well as against other improper charges. The charges. Chairman of the Board of Relief of Indigent Persons of Color shall be allowed commissions upon his own collections and disbursements as another Magistrate is, and in addition shall, for each semi-annual report to his Board, and each quarterly report to the Court, be allowed, out of the District Court Fund, a sum not less than five dollars, nor more than twenty dollars, which the District Judge shall fix according to the quantity of business done by him, and the manner in which it was done. The Clerk shall, under the supervision of the Judge of the District Court, annually, at some early day between the quarterly sitting of the Court which next precedes the regular session of the General Assembly and that regular session, prepare and transmit to the Treasurer a report from his District Court, signed by the Clerk and certified by the Judge. This

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Reports of Magistrates.

Examination of reports by the District Judge.

Perquisites of Sheriff and other officers.

Improper charges.

Report of Clerk.

A. D. 1865. report shall contain a condensed statement compiled from the reports which are made to the Court, and from the Journals of the Court, showing, for the year preceding, the whole sum which went into the District Court Fund, how much from each source, the commissions for collection, the whole disbursements and how much for each general purpose, the commissions upon disbursements, other expenses, the balance on hand, and the liabilities unpaid. The Treasurer shall aggregate the reports of the Clerks so as to show results for the whole State, and shall lay before the General Assembly a tabular statement of these aggregates, together with the reports of the Clerks, noting particularly any District Courts from which reports had not been received.

Duties of Treasurer. Indictment of white person. XXIX. An indictment against a white person for the homicide of a person of color shall be tried in the Superior Court of Law, and so shall all other indictments in which a white person is accused of a capital felony affecting the person or property of a person of color.

Property of persons of color. XXX. In every case, civil and criminal, in which a person of color is a party, or which affects the person or property of a person of color, persons of color shall be competent witnesses. The accused in such a criminal case, and the parties in every such civil case, may be witnesses, and so may every other person who is a competent witness; and in every such case, either party may offer testimony as to his own character, or that of his adversary, or of the prosecutor, or of the third person mentioned in an indictment.

Jurisdiction of Magistrates. XXXI. A Magistrate shall have jurisdiction over small disputes, controversies and complaints that may arise in his neighborhood between persons of color, or between persons of color and a white person, and of petty misdemeanors committed by or toward a person of color, between master and servant, between master and apprentice, and between employer and laborer, and civil suits involving not more than twenty dollars, in which a person of color is a party; his power in no case going beyond a judgment, fine or forfeiture of twenty dollars. He shall be specially charged with the supervision of persons of color in his neighborhood, their protection, the prevention of their misconduct and depredations, and a cautious regard to the peace, health and safety of his neighborhood.

Liabilities of persons of color. XXXII. Persons of color shall be liable to suits commenced by attachment, foreign and domestic, as white persons are in like cases. Besides this, there may be, in the case of a person of color, a proceeding to be called a special attachment, of the following nature, namely: When, by any tax, a person of color is made liable for a sum certain, the Tax-Collector, or other person who has a right to collect said tax, and who desires to obtain from a garnishee what is supposed to be in his hands belonging to such person of color, may sue out a short summons against the garnishee, in or upon which the sum certain before mentioned, with costs, and the amount or property claimed to be in the hands of the garnishee, shall be set down, which summons a Magistrate may issue, if the amount of money or value of property claimed from the garnishee is twenty dollars or under; and the District Court must issue, if it is above that sum. The summons having been issued, the garnishee, if he acknowledge his indebtedness to the person of color before mentioned, or his possession of property belonging to him, may pay to the plaintiff in attachment, if his debt to the person of color be due, or give his note to such plaintiff, if such debt be payable at a future day, and may surrender to such plaintiff any chose in action or other property of the person of color in his possession, so as to discharge the amount claimed from him, or so much thereof as will satisfy the tax and costs; and the receipt of the plaintiff in attachment shall be an acquittance of the garnishee *pro tanto* against the person of color. If the garnishee should not acknowledge, pay, give note and surrender as above, to the satisfaction of the plaintiff in attach-

ment, the garnishee shall, in obedience to the summons, make the return, on oath, to the Magistrate, or District Court, as the case may be, of what, if anything, he owes to the person of color, either presently due or payable in future, or has in possession belonging to him. If the plaintiff should be then satisfied, the garnishee shall pay, give note and surrender as before mentioned; but if the plaintiff should be still dissatisfied, he and the garnishee, with other witnesses, (of whom the person of color may be one on either side,) shall be heard, and orders respecting the matter between them be made by the Magistrate, or District Court, according to the truth as it may appear. If the garnishee should fail to make return, or meet the trial, judgment shall be rendered against him for the amount or value claimed from him in the summons. Any property surrendered by a garnishee, before or after trial, shall be sold under the order of the Magistrate or Court, and the proceeds applied to the payment of the tax and costs, and the surplus, if any, shall be paid to the person of color. For goods eloigned or wasted after service of the summons, the garnishee who had them in possession shall be made answerable. Like proceedings may be had upon any second or subsequent attachment; priority between various plaintiffs pursuing the same garnishee being settled according to the priority of the dates of different summonses against him.

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XXXIII. Questions of color and caste shall, subject to the right of appeal on either side, be conclusively determined by a verdict rendered upon an issue of fact joined in a case of prohibition or mandamus. The writ in such case may be granted, upon application made by or in behalf of any person alleged to be a person of color, against any Sheriff, Magistrate, or other officer, who is proceeding in a way that would be proper toward a person of color and not proper toward a white person; or who refuses, at the instance of the person in question, to do what a white person would have a right to demand to be done. It may be granted by any Judge of a Superior Court, or by the Judge of the District Court to whose District the officer belongs, the burden of proof being, by the order of the Judge, thrown upon that party against whom his opinion inclines, according to the judgment which he may form, upon inspection of the person in question, affidavits or documents. The issue shall be tried in the Superior Court of Law for the District aforesaid. Inspection of the person in question, and of his kindred, testimony direct, or from reputation, concerning his parentage, and direct testimony concerning his conduct and reception in society, may enter into the evidence. The Attorney-General or Solicitor of the Circuit shall, *ex officio*, represent the officer, the party in the issue. A judicial proceeding, not such as is here made conclusive, previously had, in a case wherein the person in question was a party, or wherein his caste was collaterally tried in a case between other parties, may be received in evidence, but shall not be conclusive or have weight beyond what, under the circumstances, the Jury may give.

XXXIV. An action or legal proceeding, not involving the title to land, in which a person of color is plaintiff or defendant, must be commenced as below specified, or it will be barred, namely: An action founded upon a tort within three months from the time the cause of action arose; an action founded upon a contract not in writing, within six months from the time the cause of action arose; an action founded upon a contract in writing, wherein the debt or damages do not exceed two hundred dollars, within twelve months from the time the cause of action arose; except that, first, a payment of part, with a distinct acknowledgment of a balance due, or an express promise to pay a well defined sum, shall constitute a new era from which the period of limitation shall run on a matter of contract; second, that if any legal proceeding shall be commenced within the limited period, in good faith for recovery upon tort or contract, and shall

Questions of color and caste.

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terminate, without judgment for the plaintiff, its termination shall constitute the period from which the time shall be counted; third, that there shall not be included in the computation of time the time between the death of a white person, defendant, and grant of administration or probate to his personal representative; nor, fourth, the time during which an executor or administrator, defendant, is by law protected from suit; nor, fifth, the time during which a person of color, defendant, may be absent from the District in which the cause of action arose, or may be absconding in that District.

Extension of rights.

XXXV. In reference to wills, executors and administrators, distribution of estates after payment of debts, the rights and remedies of legatees and next of kin, and all other matters relating to testators and intestates, the same law which applies to white persons shall extend to persons of color.

Appeals.

XXXVI. To the District Court there shall be an appeal from the Ordinary in respect to matters which affect persons of color, to be conducted as in like case is an appeal to a Superior Court. An appeal from a Magistrate shall go to the District Court, the applicant paying in cash, to the Magistrate, one dollar, as a fee for the report. An appeal from the District Court, or District Judge, shall go to the Court of Appeals, the appellant paying, in cash, two dollars for the report, which shall go into the District Court Fund, to be taxed against the appellee, if the appellant finally prevails. No rule or order of any Court or Judge in this State shall require the printing, by a party to a suit, of any report, brief, or other paper connected with appeals.

Reports of Boards of Commissioners.

XXXVII. The various Boards of Commissioners in the District, instead of the reports heretofore made to the Superior Court of Law, shall, on the first day of the first quarterly sitting of the District Court, in each year, make such reports to the District Court. The District Judge shall, himself, examine these reports carefully, see that they contain a full statement of transactions for the year preceding, as well as a correct account of receipts and expenditures, and point out errors and omissions. He may also refer them to the Grand Jury, in his Court, and shall make such order in reference to them as he may think likely to secure in future accurate conformity to law.

Appointments in cases of vacancy.

XXXVIII. In case of the vacancy of the office of a District Judge, by death, resignation or otherwise, the Governor shall immediately appoint a successor, who shall continue in office until a Judge shall be elected by the Legislature, and shall take the oath of office. The District Judge, during his continuance in office, shall hold no other office of profit or trust under this State, or the United States.

Liberty of amendment.

XXXIX. In all process and pleadings in the District Court, the largest liberty of amendment, consistent with fairness, shall be allowed. Indictments shall be required to contain only so much as will give to the accused reasonable information of the charges against which he is to defend himself; substance, and not form, shall be looked to; and technical requirements shall not be permitted to hinder or delay the administration of justice.

Rules and forms.

XL. The Judges of the Court of Appeals shall, from time to time, make rules for the orderly and uniform transaction of business and conduct of cases in the several District Courts of the State, and shall prescribe forms, short and simple, for the conduct of business, and for the assistance of officers and others connected with these Courts.

FEES.

Fees for service.

XLI. The fees of officers for all services which are required by this Act, or either of the other Acts mentioned in the "Act preliminary to the legislation induced by the emancipation of slaves," and for which no

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special provision is made in any of these Acts, shall be the same as now prescribed by law for like services, except as hereinbelow provided.

XLII. The Attorney-General, Solicitor, Deputy of either, or other District Attorney, shall have:

For convicting each offender in the District Court of a capital crime.....\$15 00

For convicting each offender of a felony, with benefit of clergy, or an aggravated misdemeanor.....10 00

For convicting each offender of a petty misdemeanor.....5 00

(Misdemeanors to be classified according to rules to be adopted by the Court of Appeals.)

For representing the Tax-Collector, Magistrate or other officer in a case for the trial of a question of color or caste.....20 00

To be paid out of any public funds in the hands of such officer, and recovered back from the adverse party, if the final decision should be against him.

XLIII. The Clerk shall have, in the following matters connected with the District Court, these fees, to wit: For all services respecting Juries, including entries in the Journal, receiving returns and making certificates:

For a Jury at a monthly sitting.....\$0 50 0

For Juries at a quarterly sitting.....75 0

For a new Jury list, and necessary tickets.....2 00 0

For an annual copy of rolls of Jurors and Constables transmitted to the Treasurer.....5 00 0

For the annual report from the District Court transmitted to the Treasurer.....10 00 0

For copying any report or other paper, or making any entry more than one hundred words, in a journal, for each word.....00 1

For licenses granted by order of the District Judge.....50 0

On all sums paid into Court under order of Court, 3 per cent.

For filing any report, instrument of apprenticeship, or other paper directed to be filed in his office.....20 0

The services mentioned in the last two items, if required by any District Board, shall be paid for out of its funds; if required by a Magistrate, shall be collected by him, along with his own fees, from the person liable for the paper. For any summons, notice, order, sentence, process, mesne or final, which might have proceeded from a Magistrate, if the case be before the Judge of the District Court, and the Clerk issue the paper, the fees of the Clerk shall be the same as the Magistrate would have had.

XLIV. The Sheriff shall have, in the following matters connected with the District Court, these fees, to wit:

For obtaining a copy of the Tax-Collector's return and helping the Clerk about a new Jury list.....\$2 00

For summoning a Jury at a monthly sitting.....1 00

For summoning a Jury at a quarterly sitting, including the writing of summonses.....1 50

Besides mileage for the number of miles actually and necessarily traversed in summoning a Jury, at the rate per mile of.....05

The Sheriff or Constable shall have, for serving process and executing orders from the District Court, (not intended to include the ordinary proceeding by summary process,) the following fees, to wit:

For arresting an individual, or seizing a chattel under a special order, or evicting a tenant, or doing other specific service as duly required.....\$0 50

For serving any process, summons or order not requiring any specific action.....25

A. D. 1865.

Fees of Attorney-General and Solicitor.

Fees for the Clerk.

Fees for the Sheriff.

A. D. 1865.	With mileage from the place whence the summons, order or other paper issued, to the place of its service or execution, going, but not returning, per mile.....	05
	For specific execution of a sentence.....	50
	For receiving money, note or goods under special attachment.....	50
	The fees of the Clerk and Sheriff, respecting the Juries in the District Court, and the fees of the Clerk for copy rolls and reports transmitted by him to the Treasurer, and the fees of the Magistrate for reports, shall be paid out of the District Court Fund.	
Fees for Magistrates.	XLV. A Magistrate, for the services mentioned below, shall have fees as follows, namely:	
	For a summons or notice, and taking the return thereof.....	\$0 20
	For making and entering any order or decision not below mentioned, including a copy, if it is to be served.....	20
	For hearing and determining any small and mean cause, or any complaint, dispute or controversy, including all necessary entries of judgment, decree or order.....	25
	For the same as in the last item, where more than four witnesses are examined.....	50
	For an order of eviction.....	50
	For each quarterly report to the District Court, not disapproved by the District Judge.....	1 00
	For each semi-annual report to the Chairman of the Board of Relief of Indigent Persons of Color, not disapproved by the said Board.....	2 00
	For a special attachment and taking return thereof.....	50
	For return of garnishee not contested.....	30
	For binding out an apprentice, including the instrument, to be paid by the master.....	50
	For approving a contract between master and servant or servants.....	50
	For any affidavit, not a return before mentioned.....	30
Payment of fees.	XLVI. The person who requires services in a civil suit or complaint, or any matter which he expects to be specially beneficial to himself, before the District Court or a Magistrate, shall pay the fees for them, and he shall recover back from the adverse party what he has thus properly paid, if he should prevail against that party. In a criminal proceeding, the services shall be rendered without instant payment; and if the accused should be convicted, he shall be bound to pay all the costs of the prosecution, and for them be liable to all the modes of exaction which may be used for the collection of fines. If collection from the convict cannot be had, then the State shall be liable for one-half of the costs. If the accused should be acquitted, the Judge or Magistrate before whom the trial has been had, if he has become satisfied in the course of the trial that the prosecution was without probable cause, may order that the prosecutor shall pay the costs of the prosecution; and thereupon process for collection shall go against the prosecutor, in like manner as, in case of conviction, it might have gone against the convict.	
In case of acquittal.	XLVII. For the District Court of Berkeley, the provisions of this Act shall prevail, subject to the following modifications, namely: The Clerk, Sheriff, Masters and Registers in Equity, and Ordinary, for Charleston Judicial District, shall have the same powers and be subject to the same duties and liabilities, in respect to Berkeley District, as like officers in other Districts. An appeal from the Ordinary of Charleston Judicial District, which, under this Act, should go to a District Court, shall go to the District Court of Berkeley, according to the rules which, if such Election District had an Ordinary, would determine the Ordinary that should have jurisdiction of the matter in question. The various Boards of Commissioners in Berkeley District shall report to the Court of that District,	
District Court of Berkeley.		

and be subject to it in like manner as, in other Districts, Boards are to A. D. 1865. their respective District Courts. The records of Berkeley District shall be kept in the office of the Clerk of the Judicial District of Charleston. The Judge of the District Court of Berkeley may hold monthly and quarterly sittings of his Court at such places in his District as he may appoint, taking care to give due public notice; and all process of his Court shall be returnable to such place as the Judge of the Court may appoint, and be by suitable words framed accordingly. Jurors for common Juries shall be summoned by the Sheriff from any citizens of the District, and for Summoning Juries. Special Juries, Jurors shall be drawn from a box which contains the names of all citizens of the District, the Judge being at liberty to reject, of those drawn, any citizen who lives more than twenty miles from the place where the Court is appointed to be held.

XLVIII. All the provisions of this Act will apply the District Court of District Court Charleston, and all the officers of the Judicial District of Charleston will of Charleston. occupy the same relations to the District Court of Charleston as like officers do in other Judicial Districts to the District Court of such Districts, except as in this Act excepted in reference to Berkeley District.

XLIX. The Judges first elected under this Act shall not be commissioned until the Governor shall be satisfied that they will be permitted to of Judges. exercise the jurisdiction committed to them.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO ESTABLISH AND REGULATE THE DOMESTIC RELATIONS OF PERSONS OF COLOR, AND TO AMEND THE LAW IN RELATION TO PAUPERES AND VAGRANCY.

No. 4733.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows:

HUSBAND AND WIFE.

I. The relation of husband and wife amongst persons of color is established. Husband and wife.

II. Those who now live as such, are declared to be husband and wife.

III. In case of one man having two or more reputed wives, or one woman two or more reputed husbands, the man shall, by the first day of April next, select one of his reputed wives, or the woman one of her reputed husbands; and the ceremony of marriage, between this man or woman, and the person so selected, shall be performed.

IV. Every colored child, heretofore born, is declared to be the legitimate child of his mother, and also of his colored father, if he is acknowledged by such a father. Legitimacy of children.

V. Persons of color desirous hereafter to become husband and wife, should have the contract of marriage duly solemnized. Marriage contract.

VI. A clergyman, the District Judge, a Magistrate, or any judicial officer, may solemnize marriages.

VII. Cohabitation, with reputation, or recognition of the parties, shall be evidence of marriage, in cases criminal and civil. Cohabitation.

VIII. One who is a pauper, or a charge to the public, shall not be competent to contract marriage. Marriage between a white person and a person of color shall be illegal and void. Illegal marriages.

A. D. 1865.

IX. The marriage of an apprentice shall not, without the consent of the master, be lawful.

Abandonment of husband or wife. X. A husband shall not, for any cause, abandon or turn away his wife, nor a wife her husband. Either of them that abandons or turns away the other may be prosecuted for a misdemeanor; and upon conviction thereof, before a District Judge, may be punished by fine and corporal punishment, duly apportioned to the circumstances of aggravation or mitigation. A husband not disabled, who has been thus convicted of having abandoned or turned away his wife, or who has been shown to fail in maintaining his wife and children, may be bound to service by the District Judge from year to year, and so much of the profits of his labor as may be requisite, be applied to the maintenance of his wife and children; the distribution between them being made according to their respective merits and necessities. In like manner, a wife not disabled, who has been thus convicted, may be bound, and the proceeds of her labor applied to the maintenance of her children. In either case, any surplus profit shall go to the person bound. At the end of any year for which he was bound, the husband shall have the right to return to, or receive back, his wife, and thereupon shall be discharged, upon condition of his afterwards maintaining his wife and children. A like right a wife shall have, at the end of a year for which she was bound, on condition of her making future exertions to maintain her family.

Rights of an abandoned wife.

XI. Whenever a husband shall be convicted of having abandoned or turned away his wife, she shall be competent to make a contract for service; and until he shall return to her or receive her back, she shall have all the rights, and be subject to all the liabilities, of an unmarried woman, except the right to contract marriage. When either husband or wife has abandoned the other in any District, and that other remains there, if upon the warrant or summons against the one charged of misdemeanor, under the section next preceding, there be a return by a Sheriff or Constable, under oath, that the accused has left the District, or absconds, so that there cannot be personal service, the prosecution may proceed as if the accused had been arrested, and, upon conviction, all the other consequences shall follow, except punishment, and that shall be reserved until the accused may be brought into Court, when an opportunity shall be given for disproving the truth of the return and setting aside the conviction.

PARENT AND CHILD.

Relations of parent and child established. XII. The relation of parent and child, amongst persons of color, is recognized, confers all the rights and remedies, civil and criminal, and imposes all the duties that are incident thereto by law, unless the same are modified by this Act, or some legislation connected herewith.

XIII. The father shall support and maintain his children under fifteen years of age, whether they be born of one of his reputed wives or of any other woman.

GUARDIAN AND WARD.

XIV. The relation of guardian and ward, as it now exists in this State, with all the rights and duties incident thereto, is extended to persons of color, with the modifications made by this Act.

MASTER AND APPRENTICE.

Binding of apprentices. XV. A child, over the age of two years, born of a colored parent, may be bound by the father, if he be living in the District, or in case of his death, or absence from the District, by the mother, as an apprentice, to any respectable white or colored person, who is competent to make a contract; a male until he shall attain the age of twenty-one years, and a female until she shall attain the age of eighteen years.

XVI. Illegitimate children, within the ages above specified, may be bound by the mother. A. D. 1865.

XVII. Colored children, between the ages mentioned, who have neither father nor mother living in the District in which they are found, or whose parents are paupers, or unable to afford to them maintenance, or whose parents are not teaching them habits of industry and honesty, or are persons of notoriously bad character, or are vagrants, or have been, either of them, convicted of an infamous offence, may be bound as apprentices by the District Judge, or one of the Magistrates, for the aforesaid term. Binding by District Judge

XVIII. Males of the age of twelve years, and females of the age of ten years, shall sign the indenture of apprenticeship, and be bound thereby. Signatures.

XIX. When the apprentice is under these ages, and in all cases of compulsory apprenticeship, where the infant refuses assent, his signature shall not be necessary to the validity of the apprenticeship. The master's obligation of apprenticeship, in all cases of compulsory apprenticeship, and cases where the father or mother does not bind a child, shall be executed in the presence of the District Judge, or one of the Magistrates, certified by him, and filed in the office of the Clerk of the District Court. Compulsory apprenticeship.

XX. The indenture of voluntary apprenticeship shall be under seal, and be signed by the master, the parent and the apprentice, attested by two credible witnesses, and approved by the District Judge, or one of the Magistrates. Indenture under seal.

XXI. All instruments of apprenticeship shall be executed in duplicate, one of which shall be retained by the master, and the other be filed in the office of the Clerk of the District Court. For the approval of an instrument of apprenticeship, thus executed in duplicate, the master shall pay an aid of three dollars to the Magistrate, or District Judge, as the case may be. Duplicates of indentures.

XXII. The master or mistress shall teach the apprentice the business of husbandry, or some other useful trade or business, which shall be specified in the instrument of apprenticeship; shall furnish him wholesome food and suitable clothing; teach him habits of industry, honesty and morality; govern and treat him with humanity; and if there be a school within a convenient distance, in which colored children are taught, shall send him to school at least six weeks in every year of his apprenticeship, after he shall be of the age of ten years: *Provided*, That the teacher of such school shall have the license of the District Judge to establish the same. Duties of master and mistress.

XXIII. The master shall have authority to inflict moderate chastisement and impose reasonable restraint upon his apprentice, and to recapture him if he depart from his service. Chastisement.

XXIV. The master shall receive to his own use the profits of the labor of his apprentice. The relation of master and apprentice shall be dissolved by the death of the master, except where the apprentice is engaged in husbandry, and may be dissolved by order of the District Judge, when both parties consent, or it shall appear to be seriously detrimental to either party. In the excepted case, it shall terminate at the end of the year in which the master died. Dissolution of agreement.

XXV. In cases of the habitual violation or neglect of the duties herein imposed on the master, and whenever the apprentice is in danger of moral contamination by the vicious conduct of the master, the relation of master and apprentice may be dissolved by the order of the District Judge; and any person shall have the right to complain to the District Judge that the master does not exercise proper discipline over his apprentice, to the injury of his neighbors; and if upon investigation, it shall be so found, the relation between the parties shall be dissolved. Cases of habitual violation or neglect.

XXVI. In cases of alleged violation of duty, or of misconduct on the

A. D. 1865.

part of the master or apprentice, either party may make complaint to a Magistrate, who shall summon the parties before him, inquire into the causes of complaint, and make such order as shall be meet, not extending to the dissolution of the relation of the parties; and if the master be found to be in default, he shall be fined not exceeding twenty dollars and costs; and if the apprentice be in default, he may be corrected in such manner as the Magistrate shall order. A frivolous complaint made by either party shall be regarded as a default.

Alleged violation of duty. XXVII. In cases in which the District Judge shall order the apprentice to be discharged for immoderate correction, or unlawful restraint of the correction. apprentice, the master shall be liable to indictment, and, on conviction, to fine and imprisonment, at the discretion of the Court, not exceeding a fine of fifty dollars, and imprisonment of thirty days; and, also, to an action for damages, by the apprentice.

Filing of orders. XXVIII. All orders made by a Magistrate touching the relation of master and apprentice shall be filed in the office of the Clerk of the District Court.

Licenses. XXIX. A mechanic, artisan or shop-keeper, or other person who is required to have a license, shall not receive any colored apprentice without having first obtained such license.

Sum recoverable. XXX. At the expiration of his term of service, the apprentice shall have the right to recover from his master a sum not exceeding sixty dollars.

Duties and rights. XXXI. To an apprentice shall apply the provisions hereinafter made for a servant under contract, so far as respects the regulations of labor, the duties of the servant, the rights of the master as to third persons, and the rights of servants as to third persons; except that to an apprentice the master shall be bound to furnish necessary medicine and medical assistance.

XXXII. In all indentures or obligations of apprenticeship, the regulations herein prescribed shall be considered stipulations.

Form of indenture. XXXIII. *Form of indenture to be used in cases of voluntary apprenticeship, where the apprentice is bound by father or mother (to be in duplicate):* I (father or mother, as the case may be,) of (name of child) my child of the age of years, do hereby bind said child to (name of master) to learn the (here insert the trade or business,) and I (name of master) agree to receive the said child as my apprentice. In witness whereof, we (the master, father or mother, as the case may be, and child, if over the prescribed age) have subscribed our names and put our seals, this day of

18

A. B.

[L. S.]

C. D.

[L. S.]

E. F.

[L. S.]

Signed and sealed in the presence of

G. H.

L. R.

I approve the above indenture of apprenticeship this

day of

M. N., (*Judge of the District Court, or Magistrate.*)

Form of obligation.

XXXIV. *Form of Obligation of Apprenticeship, taken by the District Judge or Magistrate, to be used in all cases of compulsory apprenticeship; and, in all cases, where neither father nor mother binds the child (to be in duplicate.)* I (name of master) agree to receive (name of apprentice) as my apprentice, to learn the (insert the trade or business); and I bind myself to perform all my duties as such master. In witness whereof (the master, and apprentice, if over the prescribed age, who consent to be bound, otherwise only the master,) ha subscribed

OF SOUTH CAROLINA.

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name and put	seal this	A. D. 1865.
day of	186	<u> </u>
	A. B. C. D.	[L. S.] [L. S.]

Signed and sealed in the presence of

E. F., (*District Judge, or Magistrate.*)

I approve and certify the above obligation of apprenticeship, this
day of 186

E. F., (*Judge of the District Court, or Magistrate.*)

CONTRACTS FOR SERVICE.

XXXV. All persons of color who make contracts for service or labor, shall be known as servants, and those with whom they contract, shall be known as masters. Contracts.

XXXVI. Contracts between masters and servants, for one month or more, shall be in writing, be attested by one white witness, and be approved by the Judge of the District Court, or by a Magistrate. Witness.

XXXVII. The period of service shall be expressed in the contract; but if it be not expressed, it shall be until the twenty-fifth day of December next, after the commencement of the service. Period of service.

XXXVIII. If the rate of wages be not stipulated by the parties to the contract, it shall be fixed by the District Judge, or a Magistrate, on wages. Rate of application by one of the parties, and notice to the other.

XXXIX. A person of color, who has no parent living in the District, and is ten years of age, and is not an apprentice, may make a valid contract for labor or service for one year or less.

XL. Contracts between masters and servants may be set aside for fraud or unfairness, notwithstanding they have been approved. Fraud in contracts.

XLI. Written contracts between masters and servants shall be presented for approval within twenty days after their execution. Time for approval.

XLI. Contracts for one month or more shall not be binding on the servant, unless they are in writing, and have been presented for approval within the time aforesaid.

XLI. For any neglect of the duty to make a contract as herein directed, or the evasion of that duty by the repeated employment of the same persons for periods less than one month, the party offending shall be guilty of a misdemeanor, and be liable, on conviction, to pay a sum not exceeding fifty dollars, and not less than five dollars, for each person so employed. No written contract shall be required when the servant voluntarily receives no remuneration except food and clothing. Evasion of duty.

XLIV. For the approval of contracts, the following sums, to be called aids, shall be paid to the District Judge, or the Magistrate, as the case may be, in cash, when the contract is approved: *Provided*, No aid shall be paid for any servant under twelve years of age: Proviso.

For a contract for one month or less, for each servant.....\$0 25

For a contract not exceeding three months and more than one month,

for each servant.....0 50 Fees for ap-

For a contract not exceeding six months and more than three months,

for each servant.....0 75 proves of con-

For a contract for one year, or any time more than six months, for

each servant.....1 00 tracts.

For a contract for more than one year, for each year or part of a

year over one year, for each servant.....1 00

One-half of which aids shall be paid by the master, and one-half by the servant.

REGULATIONS OF LABOR ON FARMS.

XLV. On farms or in out-door service, the hours of labor, except on

A. D. 1865. Sunday, shall be from sun-rise to sun-set, with a reasonable interval for breakfast and dinner. Servants shall rise at the dawn in the morning, Hours of feed, water and care for the animals on the farm, do the usual and needful work about the premises, prepare their meals for the day, if required by the master, and begin the farm work or other work by sun-rise. The servant shall be careful of all the animals and property of his master, and especially of the animals and implements used by him, shall protect the same from injury by other persons, and shall be answerable for all property lost, destroyed or injured by his negligence, dishonesty or bad faith.

XLVI. All lost time, not caused by the act of the master, and all losses Loss of time occasioned by neglect of the duties hereinbefore prescribed, may be by sickness or deducted from the wages of the servant; and food, nursing and other otherwise.

necessaries for the servant, whilst he is absent from work on account of sickness or other cause, may also be deducted from his wages. Servants shall be quiet and orderly in their quarters, at their work, and on the premises; shall extinguish their lights and fires, and retire to rest at seasonable hours. Work at night, and out-door work in inclement weather, shall not be exacted, unless in case of necessity. Servants shall not be kept at home on Sunday, unless to take care of the premises, or animals thereupon, or for work of daily necessity, or on unusual occasions; and in such cases, only so many shall be kept at home as are necessary for these purposes. Sunday work shall be done by the servants in turn, except in cases of sickness or other disability, when it may be assigned to them out of their regular turn. Absentees on Sunday shall return to their homes by sun-set.

XLVII. The master may give to a servant a task at work about the Task work. business of the farm which shall be reasonable. If the servant complain of the task, the District Judge, or a Magistrate, shall have power to reduce or increase it. Failure to do a task shall be deemed evidence of indolence, but a single failure shall not be conclusive. When a servant is entering into a contract, he may be required to rate himself as a full hand, three-fourths, half, or one-fourth hand, and according to this rate, inserted in the contract, shall be the task, and of course the wages.

XLVIII. Visitors or other persons shall not be invited or allowed by the servant to come or remain upon the premises of the master without his express permission.

XLIX. Servants shall not be absent from the premises without the permission of the master.

RIGHTS OF MASTER AS BETWEEN HIMSELF AND HIS SERVANT.

Duties of master and servant. L. When the servant shall depart from the service of the master without good cause, he shall forfeit the wages due to him. The servant shall obey all lawful orders of the master or his agent, and shall be honest, truthful, sober, civil and diligent in his business. The master may moderately correct servants who have made contracts, and are under eighteen years of age. He shall not be liable to pay for any additional extraordinary services or labor of his servant, the same being necessary unless by his express agreement.

CAUSES OF DISCHARGE OF A SERVANT.

Causes for discharge. LI. The master may discharge his servant for willful disobedience to lawful order of himself or his agent; habitual negligence or in business; drunkenness, gross moral or legal misconduct; want of civility to himself, his family, guests or agents; or for absence from the premises, or absence on two or more occasions without permission.

LII. For any acts or things herein declared to be causes for the discharge of a servant, or for any breach of contract or duty by him, instead of discharging the servant, the master may complain to the District Judge or one of the Magistrates, who shall have power, on being satisfied of the misconduct complained of, to inflict, or cause to be inflicted, on the servant, suitable corporal punishment, or impose upon him such pecuniary fine as may be thought fit, and immediately to remand him to his work; which fine shall be deducted from his wages, if not otherwise paid.

A. D. 1865.

Power of
District Judge
in case of com-
plaint.

LIII. If a master has made a valid contract with a servant, the District Judge or Magistrate may compel such servant to observe his contract, by ordering infliction of the punishment, or imposition of the fine herein-before authorized.

RIGHTS OF MASTER AS TO THIRD PERSONS.

LIV. The master shall not be liable for the voluntary trespasses, torts or misdemeanors of his servants. He shall not be liable for any contract of his servant, unless made by his authority; nor for the acts of the servant, unless they shall be done within the scope of the authority entrusted to him by the master, or in the course of his employment for the master; in which excepted cases the master shall be answerable for the fraud, negligence or want of skill of his servant. The master's right of self-defence shall embrace his servant. It shall be his duty to protect his servant from violence by others, in his presence, and he may render him aid and assistance in obtaining redress for injury to his rights of person or property.

Masters not liable for misdemeanors of servants.

LV. Any person who shall deprive a master of the service of his servant, by enticing him away, or by harboring and detaining him, knowing him to be a servant, or by beating, confining, disabling, or otherwise injuring him, shall be liable, on conviction thereof, to a fine not exceeding two hundred dollars, and not less than twenty dollars, and to imprisonment or hard labor, at the discretion of the Court, not exceeding sixty days; and, also, to an action by the master to recover damages for loss of services.

**Harboring
or beating.**

LVI. The master may command his servant to aid him in the defence of his own person, family, premises or property; or of the person or property of any servant on the premises of the master; and it shall be the duty of the servant promptly to obey such command.

Servant to
defend.

LVII. The master shall not be bound to furnish medicine or medical assistance for his servant without his express engagement.

Master may give character of servant.

Misrepresentation of character.

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A. D. 1865.

RIGHTS OF SERVANT AS BETWEEN HIMSELF AND MASTER.

Why a servant may desert the master, without the assent of the servant, or one of his family, not committed in defence of the person, vice of his family, guests or agents of the master, nor to prevent a crime or aggravated misdemeanor; invasion by the master of the conjugal rights of the servant; or his failure to pay wages when due; and may recover wages due for services rendered to the time of his departure.

In case of death of master. LXII. The contract for service shall not be terminated by the death of the master, without the assent of the servant. Wages due to white

laborers and to white and colored servants shall rank as rent does, in case of the insufficiency of the master's property to pay all debts and demands against him, but not more than one year's wages shall be so preferred. When wrongfully discharged from service, the servant may recover wages for the whole period of service according to the contract. If his wages have not been paid to the day of his discharge, he may regard his contract rescinded by the discharge, and recover wages up to that time.

LXIII. The master shall receive into his employment the servant with whom he has made a contract, but any of the causes which may justify him in discharging a servant shall justify him in refusing to receive him.

Certificate of discharge. LXIV. The master shall, upon the discharge, or at the expiration of his term of service, furnish the servant with a certificate of discharge, and at the request of the servant, give him a certificate of character.

MUTUAL RIGHTS OF MASTER AND SERVANT.

LXV. Whenever a master discharges a servant, the servant may make immediate complaint to a District Judge, or Magistrate, and whenever a Judge in case servant departs from his master's service, the master may make like complaint. In either case, the District Judge, or Magistrate, shall, by summons or warrant, have the parties brought before him, hear them and their witnesses, and decide as to the sufficiency of the cause of his discharge or departure. This decision shall not affect or prejudice any further action on either side, but it may avail to restore the relation of master and servant between the parties, if that be ordered. If the servant be decided to have been unlawfully discharged, and should desire to return to service under his contract, the master shall be compelled to receive him, under the penalty of twenty dollars, in case of his refusal. If the master desire the return of a servant, who has been decided to have departed without sufficient cause, the servant may be compelled, by fine and corporal punishment, to return to the service of the master, and perform his duties under the contract.

RIGHTS OF SERVANTS AS TO THIRD PERSONS.

LXVI. The servant shall not be liable for contracts made by the express authority of his master.

Servant not done by the command of his master, in defence of the master's person, liable for master's acts. LXVII. A servant shall not be liable, civilly or criminally, for any act done by the command of his master, in defence of the master's person, family, guests, agents, servant, premises or property. He shall not be liable, in any action *ex delicto*, for any tort committed on the premises of the master by his express command.

HOUSE SERVANTS AND OTHERS NOT IN HUSBANDRY.

Duties of house servants. LXVIII. The rules and regulations prescribed for master and servant apply to persons in service as household servants, conferring the same rights and imposing the same duties, with the following modifications:

LXIX. Servants and apprentices employed as house servants in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day and night, and on all days of the

week, promptly answer all calls and obey and execute all lawful orders and commands of the family in whose service they are employed.

A. D. 1865.

LXX. It is the duty of this class of servants to be especially civil and polite to their masters, their families and guests, and they shall receive gentle and kind treatment.

FOR ALL SERVANTS.

LXXI. In all contracts between master and servant for service, the foregoing regulations shall be stipulations, unless it shall be otherwise provided in the contract, and the following form shall be a sufficient contract, unless some special agreement be made between the parties:

Form of Contract.

I (name of servant) do hereby agree with (name of master) to be his (here insert the words "household servant" or "servant in husbandry," as the case may be,) from the date hereof, at the wages of (here insert the wages, to be paid by the year or month;) and in consideration thereof, I (name of master) agree to receive the said (name of servant) as such servant, and to pay him the said wages, this

day of 186

A. B.

C. D.

Form of contract.

Witness: E. F.

I approve the above contract this day of 186

G. H., (*Judge of the District Court, or Magistrate.*)

After the words "servant in husbandry" may be inserted, if it be required, the words "to be rated as (full hand, three-fourths hand, half hand, or one-fourth hand," as the case may be.)

MECHANICS, ARTISANS AND SHOP-KEEPERS.

LXXII. No person of color shall pursue or practice the art, trade or business of an artisan, mechanic or shop-keeper, or any other trade, under a contract for service or labor,) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor from the Judge of the District Court; which license shall be good for one year only. This license the Judge may grant upon petition of the applicant, and upon being satisfied of his skill and fitness, and of his good moral character, and upon payment, by the applicant, to the Clerk of the District Court, of one hundred dollars, if a shop-keeper or pedlar, to be paid annually, and ten dollars if a mechanic, artisan, or to engage in any other trade, also to be paid annually: *Provided, however,* That upon complaint being made and proved to the District Judge of an abuse of such license, he shall revoke the same: *And provided, also,* That no person of color shall practice any mechanical art or trade unless he shows that he has served an apprenticeship in such trade or art, or is now practicing such trade or art.

Colored persons as mechanics.

Proviso.

LXXIII. For violation of the prohibition contained in the section next preceding, the offender, upon conviction thereof before the Judge of the District Court, shall pay, for each offence, a fine of double the amount of such license; one-half whereof shall go to the informer, who shall be a competent witness.

LXXIV. The sums paid to the Clerk for these licenses shall be aids, and go into the District Court Fund; and the Clerk shall keep a record of all licenses issued under the order of the Judge of the District Court.

Aids.

EVICTION OF PERSONS OF COLOR.

LXXV. Where, upon any farm or lands, there now are persons of color, who were formerly the slaves of the owner, lessee or occupant of the said

A. D. 1865. farm or lands, who may have been there on the tenth day of November, eighteen hundred and sixty-five, and have been on said lands for six months previous; and who are helpless, either from old age, infancy, disease or other cause; and who are unable, of themselves, and have no parent or other relative able to maintain them, and to provide other homes or quarters, it shall not be lawful for the present, or any subsequent, owner, lessee or occupant, before the first day of January, in the year eighteen hundred and sixty-seven, to evict or drive from the houses which now are, or hereafter shall be, lawfully occupied by such helpless persons of color, such helpless persons, or any of them, by rendering such houses uninhabitable, or by any other means; and upon conviction of having done so, every such owner, lessee, occupant, agent or other person, shall be fined not exceeding fifty dollars, nor less than five dollars, for each such person of color so evicted, and may be imprisoned, at the discretion of the Judge of the District Court, not exceeding one month.

Punishment for eviction. Preservation of good order. Trespass or intrusion. House occupied by servant. Leases to be in writing. Costs of eviction.

LXXVI. But the owner, lessee, or occupant of such farm or lands shall, nevertheless, have authority to preserve order and good conduct in the houses so occupied as aforesaid, and to prevent visitors and other persons of good order, from sojourning therein; and for insolence to himself or his family, for theft or trespass committed by such persons of color, or any one of them, upon the premises, or for violation by them of his regulations for the preservation of order and good conduct, the prevention of visitors and sojourners therein, the owner, lessee, or occupant, may complain to the Judge of the District Court, or a Magistrate, who, upon finding the complaint well founded, may, according to the case, cause the immediate eviction of some or all of such persons of color, and their removal from the premises. After the period aforesaid, they may be ejected, as is hereinafter provided in case of intruders.

LXXVII. It shall be the duty of the Judge of the District Court, or of any Magistrate, on complaint made to him that persons of color have intruded into any house or upon any premises, as trespassers or otherwise, or that they unlawfully remain therein without permission of the owner, on ascertaining the complaint to be well founded, to cause such persons to be immediately removed therefrom; and in case of the return of such persons, without lawful permission, the party so offending may be subjected to such fine and corporal punishment as the Magistrate or District Judge may see proper to impose.

LXXVIII. During the term of service, the house occupied by any servant is the master's; and, on the expiration of the term of service, or the discharge of a servant, he shall no longer remain on the premises of the master; and it shall be the duty of the Judge of the District Court, or a Magistrate, on complaint of any person interested and due proof made, to cause such servant to be immediately removed from such premises.

LXXIX. Leases of a house or land to a person of color shall be in writing. If there be no written lease, or the term of lease shall have expired, a person of color in possession shall be a tenant at will, and shall not be entitled to notice; and on complaint by any person interested to the Judge of the District Court, or a Magistrate, such person of color shall be instantly ejected by order or warrant, unless he produce a written lease authorizing his possession, or prove that such writing existed and was lost.

Costs of eviction. LXXX. In every case the costs of eviction may be exacted, by order or process, from the person evicted.

Contributions for support of paupers.

LXXXI. When a person of color shall be unable to earn his support, and is likely to become a charge to the public, the father and grand-fathers, mother and grand-mothers, child and grand-child, brother and sister of

PAUPERS.

such person, shall, each according to his ability, contribute monthly, for the support of such poor relative, such sum as the District Judge, or one of the Magistrates, upon complaint to him, shall deem necessary and proper; and on failure to pay such sum, the same shall be collected by summary order or process.

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LXXXII. In each Judicial District, except the Judicial District of Charleston, in which there shall be one Board for the Election District of Charleston, and one for the Election District of Berkaley, there shall be established a Board, to be known as the "Board of Relief of Indigent Persons of Color," which shall consist of a Chairman and not less than three, nor more than seven other members, all of whom shall be Magistrates of the District, and be selected by the District Judge.

Title of Relief Board.

LXXXIII. This Board shall meet at the Court House on the Tuesday next after the first Monday in February and August in every year, and at other times and places, fixed by its own appointment or the summons of its Chairman; and it may, at its pleasure, appoint sub-Boards, to be composed of such of its own members and other Magistrates of the District as it may select.

Meeting of the Board.

LXXXIV. By the Board the District shall, as soon as practicable, be divided into precincts, within each of which some Magistrate shall reside. The Board is required to keep exact minutes of all its proceedings, and in these shall appear the boundaries of each precinct, as from time to time they may be arranged.

Division of the District.

LXXXV. A District Court Fund shall be established in each District, to be composed of aids paid for the approval of contracts between master and servant, and of instruments of apprenticeship, and for licenses granted by the District Judge, all fines, penalties and forfeitures collected under order or process from the District Court, or a Magistrate of the District, fees for appeal from the District Judge, wages of convicts, and taxes collected under the order of the Board of Relief of Indigent Persons of Color.

Establishment of a District Court Fund.

LXXXVI. If the District Court Fund, after payment of the sums with which it is charged, on account of the salary of the Judge of the District Court, Superintendent of Convicts, Jurors, and other expenses of the Court, and of convicts, shall be insufficient to support indigent persons of color, who may be proper charges on the public, the Board aforesaid shall have power to impose for that purpose, whenever it may be required, a tax of one dollar on each male person of color between the ages of eighteen and fifty years, and fifty cents on each unmarried female person of color between the ages of eighteen and forty-five; to be collected in each precinct by a Magistrate thereof: *Provided*, That the said imposition of a tax shall be approved in writing by the Judge of the District Court, and that his approval shall appear in the Journals of that Court.

Insufficiency of the District Fund.

LXXXVII. For collection of a tax imposed by the Board aforesaid, every Magistrate of a precinct shall give ten days public notice, within his precinct, of the classes of persons liable to the tax, the sum which is required from every person of each class, and of the day when payment shall be made. Every person liable to pay, who fails to pay on the day appointed, shall become liable to pay a double tax, if he shall not make to the Magistrate a satisfactory excuse; and against him the Magistrate may issue process in the nature of *fieri facias*, special attachment, and other process most likely to exact payment; any or all of which shall be executed by a Constable or the Sheriff.

Proviso.

LXXXVIII. It shall be the duty of every person who is occupant of a house or premises, within seven days after public notice, to report, in writing and on oath, to a Magistrate of the precinct in which such house or premises are, the names, sexes, ages and occupations of all persons of color in the said house, or on the said premises, who are unable to earn a

Persons unable to earn a living.

Collection of taxes imposed by Board.

A. D. 1865.

reputable livelihood for themselves and families, with the cause of disability as to each one; and, also, in respect to each one of such persons the name, place of abode, and ability, so far as may be known, of every relation who is, according to the provisions hereinbefore contained, bound to contribute to the support of such person. For every failure, without good excuse, to make report, as herein required, an occupant of house or premises as aforesaid, shall be liable to a fine not exceeding twenty dollars, nor less than five dollars, to be paid immediately; or if it should not be paid, substitution of other punishment to take place, as in other cases of fines not paid.

LXXXIX. It shall be the duty of every Magistrate to make diligent inquiries to inquire into the condition and wants of the colored poor within his precinct; to give public notice when reports from occupants as aforesaid are required; to require such reports within a month next before each regular meeting of the Board of Relief of Indigent Persons of Color, and whenever else the said Board may direct; to examine such reports when made to him from them, and other information, to ascertain the correctness of the facts therein stated; to enforce, as far as possible, the obligation of persons bound, as before provided, to contribute to the support of poor relations, and to make reports to the Board aforesaid, as hereinafter directed, and to the District Court, as is required by the "Act to establish District Courts."

XC. Every Magistrate shall, besides the quarterly reports which he is required to make to the District Court, make, on the Monday next preceding the first Monday of February and August, every year, a semi-annual report to the Chairman of the Board aforesaid; which report shall clearly exhibit, for the time since his last preceding semi-annual report, all his receipts, all his payments, all his commissions, the condition of the colored population within his precinct, the name, sex, age, occupation and particular disability of every person of color in that population who requires assistance from the public; the sum which, in his opinion, is necessary for such person, and the sum required for his whole precinct. In the receipts the distinction shall be observed between collections and moneys turned over to the Magistrate by some other officer, the particulars and sum of each being shown. The collections shall be classified according to the sources from which they proceeded; or, for instance, aids from contracts, aids from instruments of apprenticeship, fines, taxes. Under taxes shall appear the name and sex of the person from whom each item was collected. The sums paid for the support of poor relations, and by, and for whom, shall be set forth. In the expenditures, distinctions shall be observed between actual disbursements and sums turned over to other officers; and the different purposes of disbursements be arranged under suitable heads. Every expenditure must be accompanied by a proper voucher, unless it should appear that it was impracticable to obtain one. For any failure to make a report as herein required, a Magistrate shall be liable to indictment, and, upon conviction, shall pay a fine not exceeding fifty dollars, nor less than twenty dollars.

XCI. The Chairman of the Board aforesaid, besides the quarterly reports which, by the "Act to establish District Courts," he is required to make to the District Court, shall, at each regular sitting of the said Board, and whenever else he may be required by the said Board, or by the District Judge, make to the Board, in respect to his own acts as Magistrate of a precinct, such a report as is required from another Magistrate; lay before the Board the reports made to him by other Magistrates; and, also, make a full and particular report, in which shall be condensed the information obtained from the semi-annual reports of the Magistrate, so as to show the condition and wants of the whole District and of each precinct; which report shall also exhibit the receipts and expenditures for

Report of
Chairman of
the Board.

the whole District since the report last preceding, arranged under proper heads, so as to show the sums received from each source, and by what Magistrate, the sums disbursed for each purpose, and by what Magistrate, the sums turned over from one officer to another, commissions, expenses and contributions for poor relations. Each report shall particularly specify all delinquencies of Magistrates during its period, and the names of delinquents. For any failure to make report as here required, the Chairman shall be liable to indictment, and, upon conviction, shall pay a fine not exceeding one hundred dollars, nor less than twenty dollars.

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XCIIL. The Board of Relief of Indigent Persons of Color shall determine the sum necessary for the support of each indigent person of color, who shall be deemed a proper charge on the public, the sum required by each precinct, the sum which shall be paid to each Magistrate to be disbursed by him, when reports from occupants as aforesaid shall be required, and when a tax shall be imposed. It shall direct the Magistrates respectively in the performance of the duties required of them in reference to paupers and the District Court Fund, and it shall report to the District Court all delinquencies and delinquents.

Liability of Chairman.

XCIII. The balance of the District Court Fund which, as provided by the "Act to establish District Courts," shall, under the order of the District Judge, be paid to the Chairman aforesaid, shall, under the order of the Board aforesaid, be distributed to the Magistrates of precincts, and be by them disbursed for the relief of indigent persons of color, and other uses of the Board, as may be directed. The minutes of the Board shall show the sum assigned to each Magistrate, and the receipt of the Magistrate for every sum paid to him shall be taken by the Chairman of the Board, and shall accompany the next report of the Chairman to the Board as well as be exhibited in support of the Chairman's quarterly report to the District Court in which such payment is set down.

Sum for support of indigent persons.

XCIV. On satisfactory information to the District Judge, or a Magistrate, that a person of color has removed from another District, and is likely to become a charge to the District into which he has removed, the District Judge, or the Magistrate, shall proceed against such person as a vagrant, and, on conviction, he shall be punished as such: *Provided, however,* That persons of color who were removed by their former masters from other Districts, within the last five years, shall be allowed twelve months to return to the Districts from which they were removed; and those who have been separated from their families or relatives shall be allowed to return to them within twelve months.

Balance of the District Court Fund.

Removal.

Proviso.

VAGRANCY AND IDLENESS.

XCV. These are public grievances, and must be punished as crimes.

XCVI. All persons who have not some fixed and known place of abode, and some lawful and reputable employment; those who have not some visible and known means of a fair, honest and reputable livelihood; all common prostitutes; those who are found wandering from place to place, vending, bartering or peddling any articles or commodities, without a license from the District Judge, or other proper authority; all common gamblers; persons who lead idle or disorderly lives, or keep or frequent disorderly or disreputable houses or places; those who, not having sufficient means of support, are able to work and do not work; those who (whether or not they own lands, or are lessees or mechanics,) do not provide a reasonable and proper maintenance for themselves and families; those who are engaged in representing publicly or privately, for fee or reward, without license, any tragedy, interlude, comedy, farce, play, or other similar entertainment, exhibition of the circus, sleight-of-hand, wax-works, or the like; those who, for private gain, without license, give any concert or musical entertainment, of any description; fortune-tellers; sturdy

Places of abode and em- ployment.

Kinds of idleness.

A. D. 1865. beggars; common drunkards; those who hunt game of any description, or fish on the land of others, or frequent the premises, contrary to the will of the occupants, shall be deemed vagrants, and be liable to the punishment hereinafter prescribed.

Issue of warrant for vagrant. XCVII. Upon information, on oath, of another, or upon his own knowledge, the District Judge, or a Magistrate, shall issue a warrant for the arrest of any person of color known or believed to be a vagrant, within the meaning of this Act. The Magistrate may proceed to try, with the assistance of five freeholders, or calling to his aid another Magistrate, the two may proceed to try, with the assistance of three freeholders, as is provided by the Act of seventeen hundred and eighty-seven, concerning vagrants; or the Magistrate may commit the accused to be tried before the District Court. On conviction, the defendant shall be liable to imprisonment, and to hard labor, one or both, as shall be fixed by the verdict, not exceeding twelve months.

After sentence to hard labor. XCVIII. The defendant, if sentenced to hard labor, after conviction, may, by order of the District Judge, or Magistrate, before whom he was convicted, be hired for such wages as can be obtained for his services, to any owner or lessee of a farm, for the term of hard labor to which he was sentenced, or be hired for the same labor on the streets, public roads or public buildings. The person receiving such vagrant shall have all the rights and remedies for enforcing good conduct and diligence at labor that are herein provided in the case of master and servant.

Repeal of other Acts. XCIX. These provisions concerning vagrancy shall not be construed to repeal any other Act or Acts in whole or part consistent herewith.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4734. AN ACT TO AMEND THE LAW KNOWN AS THE "STAY LAW."

Act to continue of force. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act of the General Assembly, entitled "An Act to extend relief to debtors, and to prevent the sacrifice of property at public sales," passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and all Acts amending said Act, be, and the same are hereby, continued in force, until the adjournment of the next regular session of this General Assembly, and that nothing herein contained shall be construed to apply to any cause of action arising *ex delicto*, nor to any process of distress for the collection of rent.

Case of failure to pay. II. That nothing herein contained shall be construed to apply to any causes of action which may hereafter originate; nor shall any debtor be entitled to plead the benefit of this Act who shall fail, if demanded, at least three months previously, to pay, on or before the first day of December next, one-tenth of the aggregate amount of the debt and interest due at the time such demand is made; but in such case, the creditor shall be at liberty to proceed to judgment, as if this Act had not been passed, and to enter execution: *Provided*, That no execution so obtained shall, during the continuance of this Act, be enforced for more than the costs and one-tenth of the aggregate amount of the debt and interest.

Proviso. III. Neither shall any debtor on final process now subsisting be entitled to the benefit of this Act who shall fail, if demanded, at least three months previously, by the creditor, or his or her attorney, to pay, on

or before the first day of December next, the costs and one-tenth part of the aggregate amount of principal and interest due on such process, at the time of such demand. And when such debtor, on demand made as aforesaid, shall fail to pay as aforesaid, it shall and may be lawful for such creditor to enforce such process for the costs and one-tenth part of the aggregate amount of principal and interest due.

IV. During the continuance of this Act, the Statutes of Limitations be and are suspended against the claims of all persons in possession of property of debtors on final process, and on which such process may have a lien.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

A. D. 1865.

AN ACT TO PROVIDE FOR THE ISSUE OF BILLS RECEIVABLE IN PAYMENT OF INDEBTEDNESS TO THE STATE TO THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS.

No. 4735.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Treasurer is hereby authorized and required to cause to be prepared and engraved on steel, as soon as practicable, Bills Receivable, of the respective denominations of one, two, five and ten dollars, amounting in all to the sum of five hundred thousand dollars; and Tax-Collectors, and all other public officers, are hereby required to receive said bills in payment of all dues to the State for the amounts expressed on the face of said bills, without the calculation of interest thereon.

II. That said bills shall be signed by the Treasurer and countersigned by the Comptroller-General, and the Treasurer shall be, and he is hereby, required to pay out said bills to all persons having claims against the Treasury, who shall be willing to receive the same in satisfaction thereof.

III. Every person making or engraving, or aiding to make or engrave, or passing or attempting to pass, any imitation or alteration of said bills, knowing the same to have been imitated or altered, and every person having in possession a plate or impression made in imitation of them, with the purpose fraudulently and feloniously to use the same, shall be guilty of felony without benefit of clergy.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Treasurer to have bills engraved.

Who signed by.

Approved: JAMES L. ORR.

AN ACT TO AMEND THE CHARTER OF THE GREENVILLE AND COLUMBIA RAILROAD COMPANY.

No. 4736.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Greenville and Columbia Railroad Company be, and the same is hereby, so altered and amended as to authorize the said Company to change the location of their road, and construct a new one, from a point at or near Frog Level, in Newberry District, along such route as

Amendment of charter.

A. D. 1865. Line of road. they may select, to a connection with their present line of road, at some point near the city of Columbia; and for the purpose of making such change and constructing the said new road, the said Company are hereby invested with all the rights, powers and privileges given and granted to them by their original charter, and the several amendments thereto.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4737.

AN ACT TO INCORPORATE THE VILLAGE OF KIRKWOOD.

Name and style. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the inhabitants of the Village of Kirkwood be, and are hereby, created a body politic and corporate in Law, under the name and style of the Village of Kirkwood, with like powers and privileges conferred upon the corporation of the Village of Newberry, by an Act passed on the seventeenth day of December, Anno Domini one thousand eight hundred and forty-one, entitled "An Act to incorporate certain Villages, Societies and Companies."

Boundaries and location. II. That the boundaries of said territory shall be as follows: All that territory lying North of Boundary Street of the Town of Camden; East of Mill Street down to DeKalb Street; North of DeKalb Street to Eastern margin of Pine-Tree Creek Swamp; West of the Eastern margin of Pine-Tree Creek Swamp to the crossing of McRae's Bridge, including all the houses and settlements on the East side of Pine-Tree Creek of the DeKalb Factory, now the property of F. L. Zemp; South of a line drawn due West from said bridge to its intersection with Wyley Street, of Camden, protracted Northward; and East of said protracted street to Boundary Street.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4738.

AN ACT TO DECLARE CERTAIN STREAMS NOT NAVIGABLE.

Streams not navigable. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following streams are declared to be not navigable as public streams, to wit: "Berresford Creek," "Cook's Creek," "Venning's Creek," "Gibson's Creek," and "Clowter's Creek," and "Daniel's Island Creek," beyond the point of land known as the "Clement's Ferry Landing." *Provided,* That nothing herein contained shall restrict the parties through whose lands said streams run from using them as navigable streams.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

OF SOUTH CAROLINA.

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AN ACT TO AMEND THE LICENSE LAW.

A. D. 1865.

No. 4739.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston, the various municipal corporations and Boards of Commissioners of Roads, and all other persons or bodies corporate, in whom the right to grant tavern licenses, or licenses to retail spirituous liquors, is now vested, be, and the same are hereby, authorized to fix the price of such licenses at such sum as to them may seem proper: *Provided*, That the same shall not be less than fifty dollars for each license.

II. That any person who shall violate the License Law of this State, upon conviction thereof, shall be fined in a sum not less than treble the amount of the price of a license prescribed, and, at the time of the commission of the offence, existing for the local jurisdiction wherein such offence is committed, and shall be imprisoned at the discretion of the Court.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

Corporations
to grant li-
censes.

Violation of
License Law.

AN ACT TO AUTHORIZE FARMERS AND PLANTERS TO GIVE THEIR BOOKS IN EVIDENCE IN CERTAIN CASES. No. 4740.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, books of original entry kept by farmers and planters relating to the transactions of their farms or plantations shall be receivable in evidence in all trials in which the business or transactions of their farms or plantations shall be called in question, as between the farmer or planter and his employees, in the same manner as books of merchants and shop-keepers now are.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO ESTABLISH REGULATIONS FOR THE PURPOSE OF PREVENTING THE SPREAD OF ASIATIC CHOLERA IN THIS STATE. No. 4741.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That full power and authority is hereby given to the Governor of this State, by his proclamation, to make such regulations as, in his opinion, may be necessary in order to prevent the entrance of Asiatic Cholera into this State, and to prevent the spreading of such disease in this State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

Books to be
receivable in
evidence.

Power vested
in Governor.

A. D. 1865.

No. 4742.

AN ACT TO INCORPORATE THE ROSE MILL MANUFACTURING COMPANY.

Title.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James C. W. McDonald, A. DeCaradenc and E. J. C. Wood, and their associates and successors, are hereby made and created a body politic and corporate in Law, by the name and title of the Rose Mill Manufacturing Company, for the purpose of manufacturing cotton and wool, and other manufactures incidentally connected therewith; and may purchase or erect all such mills or other works as may be required to carry on such branches of manufacture; and they shall have power to raise by subscription, in shares of one hundred dollars each, a capital stock of fifty thousand dollars.

II. That the said corporation may purchase and hold such real estate in South Carolina as may be required for the purposes of the said corporation, or such as they may be obliged or deem it for their interest to take, in the settlement of any debts due the said corporation, and may dispose of the same; and may sue and be sued in all Courts of Law and Equity; may have and use a common seal, and make such by-laws for their regulation and government as they may see proper: *Provided*, They are not inconsistent with the laws of the land.

III. The government and management of all the affairs and operations of said Company shall be vested in a Board, to consist of a President and four Directors, to be elected annually by the stockholders from amongst themselves, who shall be chosen at such times and places, and according to such by-laws, as the said Company may agree on.

IV. The Board of Directors may call in the amount of the said capital stock, at such periods and in such proportions as they may deem best, by publishing in one or more newspapers in Charleston fifteen days' notice of the amount required, and the time and place of payment: *Provided*, That the whole amount of the said capital stock shall be paid in on or before the first day of January, of the year eighteen hundred and sixty-nine. And an oath or affirmation thereof shall be made by the President, Treasurer, and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office, and published in two of the Charleston newspapers. And if any stockholder shall fail to pay the

Failure to pay. amount required, at the time and place designated, interest shall be charged on the amount so called for until it is paid; and upon such failure to pay, the Board of Directors shall again publish a demand for the payment of the sum required, and giving notice that, if the instalment called for is not paid at the place appointed within thirty days, with all interest due thereon, all and every payment before made on the stock of such defaulting stockholder or stockholders shall be forfeited to the Company; and if such instalment, or the portion thereof so called for, shall not be paid in, with interest, within thirty days after the publication of such notice, all the money paid in on the shares of such stockholder or stockholders is hereby declared forfeited to the said Company: *Provided*, That in every case where such default is occasioned by the death of the stockholder, the legal representative or representatives of such stockholder may redeem such stock, at any time within one year from such default, by paying up the principal and all interest due thereon.

Certificate of stock. V. The stockholders of said Company shall hold certificates of their stock, signed by the President and Secretary, which certificate shall be assignable and transferred in such manner and form as may be directed by the said by-laws of said Company.

Increase of capital. VI. The said Company may, at any time, increase its capital stock to an amount not exceeding two hundred thousand dollars, for the purpose of carrying on its operations, by opening subscriptions for new stock.

VII. That the capital stock shall be deemed personal estate, and be

OF SOUTH CAROLINA.

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transferrable upon the books of the said corporation; and no part of the said capital stock shall, at any time, or upon any pretense whatever, be loaned to or divided amongst the stockholders; neither shall the capital be withdrawn or divided among the stockholders, until all the liabilities of the Company are lawfully paid; and no dividends shall be declared, except from the nett earnings of the Company.

A. D. 1865.

Capital stock
as personal es-
tate.

VIII. That each stockholder shall have one vote for each share he may own or represent, at the election of Directors and all meetings of the Company.

Votes.

IX. That the Directors shall submit to the stockholders, semi-annually, a written statement, under oath or affirmation of the Treasurer of the corporation, setting forth the amount of capital stock paid in, and general assets of the Company, and also of the amount of their existing debts.

Statement of
Directors.

X. The members of the said corporation shall be liable, jointly and severally, for all debts and contracts made by the said corporation, until the whole amount of the capital stock, which may be subscribed, shall have been actually paid in; and no note or obligation given by any stockholder, whether secured by a pledge of his stock in said corporation or otherwise, shall be considered as payment of any part of the capital stock, until such notes or obligations shall have been actually paid.

Liability of
members.

XI. This Act shall be taken and deemed to be a public Act, shall be and continue of force for the term of forty years, and shall not be so construed as to confer any exclusive privileges.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO POSTPONE THE LIEN OF THE STATE ON THE GREENVILLE AND COLUMBIA RAILROAD. No. 4743.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Greenville and Columbia Railroad Company, for the purpose of relocating and constructing such portions of their road between Frog Level, in Newberry District, and the city of Columbia, as they may deem necessary, be, and are hereby, authorized to create a lien by mortgage or otherwise on their "estate, property and funds," for a sum not exceeding four hundred thousand dollars, which shall postpone and have priority over any lien in favor of the State: *Provided*, That the holders of the unendorsed bonds of said Company, and the judgment creditors of said Company, consent and agree, in writing, that their bonds and judgments be postponed and become a third lien on said road.

Postpone-
ment of lien.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Proviso.

Approved: JAMES L. ORR.

AN ACT FOR THE RELIEF OF THE SPARTANBURG AND UNION RAILROAD No. 4744.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Spartanburg and Union Railroad be authorized and empowered to

Authority to
borrow.

A. D. 1865. borrow or raise the sum of six hundred thousand dollars, to be used in the extension, building, and procuring the proper outfit of said road to the city of Columbia, South Carolina.

Bonds and coupons. II. That for this purpose the said Company is hereby authorized and empowered to issue bonds to the amount of six hundred thousand dollars, payable twenty years after the date thereof, with coupons attached, payable semi-annually. These bonds shall have a priority of lien over all other liens, bonds, mortgages, judgments and debts on the whole road when finished to Columbia, South Carolina, including its outfit and real estate.

Lien, postponement of. III. That the present lien of the State of South Carolina on said road be postponed, and become a second lien; which said second lien shall extend and cover the whole road, its outfit and real estate, when completed to Columbia, South Carolina.

Amendment to original Act. IV. That the first section of an Act entitled "An Act to authorize the formation of the Spartanburg and Union Railroad Company," ratified the seventeenth day of December, Anno Domini one thousand eight hundred and forty-seven, be so amended as to authorize said Company to change the present location of their road, by diverging therefrom at any point which may be agreed on by them, on the Eastern side of Broad River, and running through parts of the Districts of Fairfield and Richland, to or near the city of Columbia, with all the privileges and rights of way, and subject to all the disabilities as are contained in the charter aforesaid: *Provided*, This shall not impair any rights conferred by the original charter.

Conditions. V. This Act shall not take effect, unless the holders of the unendorsed bonds of said Company, and the judgment creditors of said Company, first consent and agree, in writing, that their bonds and judgments be postponed, and become a third lien on said road.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4745.

AN ACT TO AUTHORIZE THE SALE OF THE COLUMBIA CANAL.

Certain persons, a commission. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor, the Lieutenant-Governor, and the Mayor of the city of Columbia, are hereby constituted a commission to sell and convey the right, title and interest of the State in the Columbia Canal, and in all the lands, privileges and appurtenances owned by the State, thereunto belonging or appertaining, subject to the following conditions (in addition to such other conditions as the said Commissioners, in their discretion, may impose, which conditions shall be published in the advertisement,) to wit: That the purchaser or purchasers, his or their heirs, assigns or successors, shall, within two years from the date of conveyance, complete the widening and deepening of said Canal to at least twice its original capacity; that the same shall always be kept open and in proper order for boating purposes (free of charges for toll or otherwise) as far as

Condition of the same is now used; that the water of said Canal shall not be allowed to become stagnant; that the same shall not be used for other than hydraulic purposes; and that the title to the Canal shall revert to the State on default being made in any of the conditions so imposed.

II. That for the purpose of enabling the purchaser to widen said Canal, he be authorized to use the land for a space of sixty feet on either

side of the centre line of the present Canal, on payment to the owner thereof of such sums as may be assessed by Commissioners for that purpose, to be appointed by the Court of Common Pleas for Richland District; the proceeding of the Commissioners so appointed to be governed in all respects according to the provisions of the tenth section of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified the fifteenth day of December, one thousand eight hundred and forty-five.

A. D. 1865.

Land to be used.

Governed by.

III. That for the purpose of securing to the State the highest price for the property proposed to be sold, and to enable all to compete for the purchase thereof, the said Commission shall cause the same to be advertised in at least one paper in New York, Richmond and Charleston, for two months previous to closing the contract. The said advertisement shall set forth fully the nature, value, importance and extent of the property to be sold, and invite bids for the same; the cost of such advertisement to be paid by check of His Excellency the Governor on the Treasurer; which check shall be paid by said Treasurer out of the public fund. And the said Commission shall accept the bid which, in their judgment, shall be most advantageous to the State.

To be advertised, where.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORE.

AN ACT TO AMEND AND RENEW THE CHARTER OF THE CALHOUN INSURANCE COMPANY, OF CHARLESTON. No. 4746.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Calhoun Insurance Company, of Charleston, are hereby authorized to divide the capital stock of the said Company into sixteen thousand shares, of twelve dollars and fifty cents each. One-half of the said capital stock shall be assigned by the Directors of the said Company to the present owners of the said stock, in proportion to the number of shares held by each; and the said stockholders shall be credited rateably on the said shares, with the present actual market value of the assets and property of the said Company, over and above the liabilities of the said Company; and they shall pay, upon each share held by them respectively, at such times and in such manner as the said Directors may determine, an amount sufficient to make up, with the said assets and property, the aggregate sum of one hundred thousand dollars. The remaining eight thousand shares of the capital stock shall be disposed of by the said Directors at public auction, after giving at least two days' notice by advertisement in two daily papers, in the city of Charleston, of the time and place of the said sale. And a cash payment of five dollars on each of the said shares shall be made in the stocks, bonds or Treasury notes of the United States, or in other good and valuable securities, to be estimated at their market value by the said Directors, and the balance shall be paid at such times and in such manner as the said Directors may determine: *Provided*, That each of the present stockholders shall be entitled to purchase, at their par value, as many of the new shares as he shall then own old shares, on condition that he apply therefor on or before a day to be fixed by the said Directors, and shall conform, in all respects, to the terms prescribed for the purchases made at the said sale.

Division of stock.

Proviso.

II. That one-third of the capital of the said Company shall be paid in,

A. D. 1865. and satisfactory proof thereof be furnished to the Comptroller-General, before the said Company shall be authorized to commence business, and the whole of the said capital shall be paid within one year from that time.

Renewal of Act. III. That so much of the Act to incorporate the Calhoun Insurance Company, of Charleston, passed on the twenty-first day of December, one thousand eight hundred and sixty-one, as is not inconsistent with this Act, be, and the same is hereby, renewed and made of force, with this Act, for twenty years.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4747. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ALTER THE LAW IN RELATION TO LAST WILLS AND TESTAMENTS, AND FOR OTHER PURPOSES," RATIFIED THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no subscribing witness to any will, testament or codicil, shall hereafter be held incompetent to attest or prove the same by reason of any devise, legacy or bequest therein in favor of such witness, or the husband or wife of such witness, or by reason of any appointment therein of such witness, or the husband or wife of such witness, to any office, trust or duty, and such devise, legacy or bequest shall be, and the same is hereby, declared valid and effectual, if otherwise so, except so far as the property, estate or interest so devised or bequeathed shall exceed in value any property, estate or interest to which such witness, or the husband or wife of such witness, would be entitled, upon the failure to establish such will, testament or codicil; but to the extent of such excess, the said devise, legacy or bequest shall be null and void; and such appointment shall be valid, if otherwise so; but the person or persons so appointed shall not, in such case, be entitled by law to take or receive any commissions, or other compensation, on account thereof.

II. That the second section of an Act entitled "An Act to alter the Law in relation to Last Wills and Testaments, and for other purposes," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, be, and the same is hereby, repealed.

III. That the third section of the said Act be amended so as to read as follows, viz: That hereafter the probate, in due form of law, by and before the proper Ordinary, of any Last Will and Testament, whether the same be of real property exclusively, or of real and personal property mixed, shall be good, sufficient and effectual in law, in the same manner and to the same extent as if the said Last Will and Testament were exclusively of personal estate; and no devise of real estate shall be admitted as evidence in any cause until after probate before the Ordinary, either in common form, or in due form of law.

IV. That all Acts and parts of Acts inconsistent herewith be, and the same are hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO ESTABLISH THE UNIVERSITY OF SOUTH CAROLINA.

A. D. 1865.

No. 4748.

Whereas the proper education of youth is a matter of vital importance to this State in its present condition, and ought to be the special object of Legislative attention; and whereas the conversion of the South Carolina College into an University will meet its great demand, and will foster all the elements which have heretofore contributed to its intellectual and moral power, and will preserve its unity and glory:

I. *Be it, therefore, enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the corporation heretofore created by an Act entitled "An Act to establish a College at Columbia," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, shall hereafter be known by the name of the University of South Carolina, and as such, shall be entitled to all the rights and be liable to all the duties conferred or imposed upon the said original corporation by the said Act, and all amendments thereto, except where the same shall be modified by the provisions of this Act.

II. That the Board of Trustees of the University of South Carolina shall, as soon as practicable after the ratification of this Act, establish schools and provide for competent Professors in the following departments, to wit: First, a School of Ancient Languages and Literature; second, a School of Modern Languages and Literature; third, a School of History, Political Philosophy and Economy; fourth, a School of Rhetoric, Criticism, Eloquence and English Language and Literature; fifth, a School of Mental and Moral Philosophy, Sacred Literature and Evidences of Christianity; sixth, a School of Mathematics, Civil and Military Engineering and Construction; seventh, a School of Natural and Mechanical Philosophy and Astronomy; eighth, a School of Chemistry, Pharmacy, Mineralogy and Geology.

III. The Board of Trustees shall take care that one of the Professors thereinbefore provided for shall be a Minister of the Gospel, who shall also be charged with the duties of Chaplain to the said University, under such regulations and with such additional salary as may be fixed by the said Board.

IV. That no student shall matriculate until he shall have attained the age of fifteen years, and shall agree to enter at least three of the schools provided for by this Act: *Provided, however,* That in special cases the Chairman of the Faculty may, at his discretion, permit any applicant to take less than three schools. The fees to be paid by each student shall be as follows: If the student enters three schools or more, for each school he shall pay twenty-five dollars per annum; if the student enters two schools only, for each school thirty-five dollars per annum; if the student enters only one school, fifty dollars per annum. The compensation for room-rent, use of Library, and such damages to the property of the corporation as may be done by each student, shall be regulated by the Board of Trustees.

V. The Board of Trustees may, if it is deemed proper, give a license to one or more persons learned in the Law, and one or more Professors of Medicine, to give instruction in their respective professions in the said University, and assign to them, or any of them, a Lecture-room or Lecture-rooms, in which, at times, and under terms and conditions, and with tuition fees prescribed by the said Board, they may respectively form classes and deliver instructions in their respective professions; and the same license may, if deemed proper by the said Board, be given to a person or persons qualified to instruct in any mechanical or practical pursuit. None of the branches of instruction provided for in this section

Title, rights and duties.

Arrangement of departments.

One Professor or a Minister.

Age for matriculation.

Fees paid by students.

Professor of Law and Medicine.

Mechanical pursuit.

A. D. 1865. shall be considered as schools, or included in the number necessary to be taken by any person before matriculation.

House and a house belonging to the corporation, free of rent, and be entitled to receive a salary of one thousand dollars, to be paid quarterly, in advance, by the Treasurer of the State, and shall also be entitled to receive such tuition fees as may be paid by the students entering the school at the head of which such Professor may be.

Librarian. VII. The Board of Trustees shall appoint a Librarian, who shall act as Treasurer of the corporation and Secretary to the Faculty, and perform such other duties and receive such salary as the Board of Trustees may prescribe.

Faculty. VIII. The various Professors appointed to give instruction in the various schools provided for in this Act shall constitute a Board, to be called the Faculty of the University of South Carolina, one of whom shall be chosen by the Board of Trustees as Chairman of the said Faculty, who shall perform the duties heretofore imposed upon the President of the South Carolina College, except where the same has been altered or modified by this Act.

Quorum. IX. That nine members of the Board of Trustees, at any stated or occasional meeting thereof, shall constitute a quorum for the transaction of any business which is entrusted to the said Board; and in case of the absence of the President of the Board at any meeting, the majority of those present, provided there be a quorum, may proceed to elect a President *pro tempore*.

Free tuition. X. That the Members of the General Assembly from each Election District in this State, or a majority of them, are hereby authorized and empowered, from time to time, to select one youth from each of their respective Districts, who shall be received into this University, and be allowed to matriculate in this Institution, and enter any three of the schools provided for in this Act which may be selected by him, without any charge for tuition, room-rent, or use of the Library; and each Professor hereinbefore provided for shall be elected upon condition that he will give gratuitous instruction in his school to such of the said youths as may enter his school: *Provided, however,* That no person receiving the benefit of this section shall be exempt from any charge which may be made for damages done by him to the property of the corporation.

Proviso. XI. That the Board of Trustees may, if deemed advisable, elect a Bursar, who shall hold his office upon such terms and conditions, perform such duties, and be entitled to receive such salary or compensation as the said Board may prescribe.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4749. AN ACT TO AMEND THE CHARTER OF THE EDISTO AND ASHLEY CANAL COMPANY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second section of an Act entitled "An Act to incorporate the Edisto and Ashley Canal Company," ratified on the sixth day of February, in the Increase of year of our Lord one thousand eight hundred and sixty-three, be, and the capital stock same is hereby, so altered and amended that the stockholders shall be

authorized and empowered to increase the capital stock of the said Company to any extent, not exceeding three thousand shares, of one hundred dollars each, which they may deem desirable and proper.

A. D. 1865.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE THE CHARLESTON HOOK AND LADDER COMPANY, No. 4750.
NUMBER ONE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That George A. Hilton, Joseph A. Morgan, George W. Crane and A. H. Barber, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Charleston Hook and Ladder Company, Number One," with all the rights and privileges conferred by law upon other Hook and Ladder Companies of this State.

Name and style.

II. That said Company shall consist of not more than forty members; and whenever reduced to the number of fifteen, all its property, real and personal, shall revert to the city of Charleston. Limit of members.

III. This Act shall be deemed a public Act, and shall continue in force for fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE SOUTHERN EXPRESS COMPANY, AND TO PROVIDE ADDITIONAL REMEDIES FOR THE DEFAULT OF COMMON CARRIERS." No. 4751.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provisions of the first and second sections of an Act entitled "An Act in relation to the Southern Express Company, and to provide additional remedies for the default of Common Carriers," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same are hereby, extended to all unincorporated associations of individuals and all incorporated companies.

Extension of rights.

II. That all such unincorporated associations may be sued and proceeded against, at Law or in Equity, under the name and style by which they are usually known, without naming the individual members of the association.

May be sued.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

A. D. 1865.

AN ACT TO PROVIDE FOR THE RE-ORGANIZATION OF THE MILITIA.

No. 4752.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows:

Commander-in-Chief.

I. The Governor shall be the Commander-in-Chief of the Army and Navy of the State, and of its Militia, except when called into the actual service of the United States.

Aids-de-Camp.

II. In addition to his staff, prescribed by law, he may appoint and commission ten Aids-de-Camp, to rank as Lieutenant-Colonels, and to be removable at pleasure.

Power to assemble the Militia.

III. He may assemble the Militia, or any portion thereof, at such place of rendezvous as he may deem fit.

Exemption from toll.

IV. He and his suite, with their servants, horses and carriages, when traveling on official business, shall be exempt from the payment of toll at all chartered bridges, ferries and turnpike roads of the State.

Organization of the Militia into divisions, brigades and regiments.

V. The State of South Carolina shall be organized into five military divisions, ten brigades and forty-six regiments of infantry. Each division shall consist of two brigades of infantry (besides cavalry). The first division shall consist of the Judicial Districts of Greenville, Pickens, Anderson, Abbeville and Edgefield; and the first, second, third, fourth, fifth and forty-second regiments of infantry shall constitute the first brigade of infantry; and the sixth, seventh, eighth, ninth and tenth regiments of infantry the second brigade. The second division shall consist of the Judicial Districts of Barnwell, Lexington, (except the Dutch Fork, between the Broad and Saluda Rivers,) Orangeburg, Colleton, Charleston and Beaufort; and the eleventh, twelfth, thirteenth, fourteenth, fifteenth and forty-third regiments of infantry shall constitute the third brigade; and the sixteenth, seventeenth, eighteenth and nineteenth regiments of infantry, the regiment of rifles, and the first regiment of artillery the fourth brigade. The third division shall consist of the Judicial Districts of Sumter, Clarendon, Richland, Kershaw, Lancaster, Fairfield and Chester; and the twentieth, twenty-first, twenty-second, twenty-third and forty-fourth regiments of infantry shall constitute the fifth brigade; and the twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh regiments of infantry the sixth brigade. The fourth division shall consist of the Judicial Districts of Chesterfield, Darlington, Marlboro, Marion, Williamsburg, Horry and Georgetown; and the twenty-eighth, twenty-ninth and thirtieth regiments of infantry shall constitute the seventh brigade; and the thirty-first, thirty-second and thirty-third regiments of infantry the eighth brigade. The fifth division shall consist of the Judicial Districts of York, Union, Spartanburg, Laurens, Newberry, and that part of Lexington known as the Dutch Fork, between Broad and Saluda Rivers; and the thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh and forty-sixth regiments of infantry shall constitute the ninth brigade; and the thirty-eighth, thirty-ninth, fortieth, forty-first and forty-fifth regiments of infantry the tenth brigade.

Boundaries, etc.

VI. The boundaries, numbers and rank of the beats, battalions and regiments shall remain as at present established.

Divisions, brigades and officers of the division, brigade or regiment.

VII. The divisions, brigades and regiments shall take rank according to their numbers, viz: The lowest in number shall be highest in rank; and regiments to rank of others of similar grade and date of commission of a division, take rank according to brigade or regiment higher in number; and officers of equal grade and date of commission in the same regiments shall determine their rank in the regiment by lot, in the presence of the officer commanding it.

VIII. The Brigadier-General, to whom representations shall be made of gross inequality or manifest inconvenience of boundary, between any

two or more adjoining beats, battalions or regiments in his brigade, shall A. D. 1865. appoint a Board of Commissioners, consisting of not less than five persons from each of the beats, battalions or regiments liable to be effected by the decision, whose duty it shall be to examine fully the complaints or representations so made, and to make a decision, either in favor of the point existing or such new boundaries as to them shall seem proper, which, when approved and announced in orders by the Brigadier-General, shall be conclusive.

IX. Each regiment, battalion and company shall have a place of rendezvous, and no regiment rendezvous shall be changed, except by the concurrence of all the field officers of the regiment. No battalion rendezvous shall be changed, except by the concurrence of the Lieutenant-Colonel, or Major, and all the Captains commanding companies of such battalion, with the approval of the Colonel commanding the regiment to which such battalion belongs; and no company rendezvous shall be changed, except by the concurrence of at least three-fourths of all the persons in such company liable to perform ordinary Militia duty, and with the approval of the Lieutenant-Colonel or Major commanding the battalion to which such company belongs; but nothing herein contained shall be construed to prevent the Commander-in-Chief, or Major-General, or Brigadier-General, from assembling any portion of the Militia at such place as either of them may deem proper.

OFFICERS AND THEIR DUTIES.

X. There shall be to the Militia of this State one Adjutant and Inspector-General, with the rank of Brigadier-General. He shall be elected by joint ballot of both branches of the Legislature, to continue in office for four years from the date of his commission. He shall be perpetually re-eligible, and shall take rank from the date of his first commission, so long as he continues to be consecutively elected. There shall be one Quartermaster-General, with the rank of Colonel; one Judge Advocate-General, one Commissary-General of Purchases, one Commissary-General of Issues, and one Physician and Surgeon-General, with the ranks respectively of Lieutenant-Colonel; and one Apothecary-General, with the rank of Major; who shall be appointed and commissioned by the Commander-in-Chief. The above officers, with the Aids, shall constitute the staff of the Commander-in-Chief.

XI. There shall be to each division one Major-General, with the following staff, viz: One Division Adjutant and Inspector-General, with the rank of Colonel; one Division Quartermaster-General, and three Aids-de-Camp, with the ranks of Major respectively, who shall be appointed by, and receive their commissions from, the Major-General, subject (except his Aids-de-Camp) to the approval of the Governor.

XII. There shall be to each brigade one Brigadier-General, with the following staff, viz: One Brigade Adjutant and Inspector-General, with the rank of Major; one Brigade Quartermaster-General, and two Aids-de-Camp, with the rank of Captain respectively; and one Brigade Chaplain, who shall be appointed by, and those entitled to receive commissions shall receive them from, the Brigadier-General, subject (except his Aids-de-Camp) to the approval of the Major-General.

XIII. There shall be to each regiment one Colonel, one Lieutenant-Colonel, one Major, and the following staff, viz: One Adjutant, one Quartermaster, and one Assistant Surgeon, each with the rank of First Lieutenant; one Surgeon, with the rank of Captain; one Sergeant-Major, one Quartermaster-Sergeant, one Chaplain, and two Chief Musicians; the regimental staff shall be appointed by, and those entitled to commissions shall receive them from, the Colonel of the regiment; the commissioned staff subject to the approval of the Brigadier-General.

Brigadier-General to approve
of Commissione
A. D. 1865.

Place of rendezvous.

Officers and their duties.

Staff officers to each division.

Staff officers to each brigade.

Staff officers to each regiment.

A. D. 1865. **XIV.** There shall be to each company one Captain, one First Lieutenant, two Second Lieutenants, five Sergeants, six Corporals, two Musicians, Officers of and one Clerk; the non-commissioned officers, Musicians and Clerk shall companies. be appointed by the Captain or commander of the company.

Term of office. **XV.** All officers entitled to military rank shall be commissioned and (except the Adjutant and Inspector-Generals and the Aids-de-Camp of the Commander-in-Chief, of the Major-Generals, and of the Brigadier-Generals,) shall hold their offices during pleasure; and no officer shall be deprived of his commission except by Act of General Assembly, or by sentence of a court-martial. The Aids-de-Camp above-mentioned, and all other persons attached to the division, brigade or regimental staff, not entitled to military rank, shall be removable from office at the pleasure of the officer making the appointment; and their appointments shall terminate whenever the commission of the officer making the appointment shall be vacated.

Command in the line, of officers on boards, councils, etc. **XVI.** No officer of the Quartermaster-General's or Physician and Surgeon-General's department shall be entitled to, or shall exercise any military command in the line; but such officers may be appointed on boards, councils and courts-martial, and shall take their seats at the same according to the rank assigned them by this Act, and shall discharge the duties of such appointment.

Oath or affirmation. **XVII.** Every commissioned officer shall, before he enters upon the duties of his office, and within sixty days after his election or appointment, take and subscribe the following oath or affirmation, to wit: "I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed; and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and that of the United States. So help me God." And any officer who shall neglect or refuse to take it within the time prescribed shall forfeit his commission, and shall be considered as having refused to accept such office, and shall be liable to the penalties for such refusal to accept.

Who shall administer the oath. **XVIII.** Every officer authorized to issue a commission to any person elected or appointed to any office in the Militia is hereby authorized to administer the oath of office to such person, and shall, before delivering a commission to any person, either administer the oath to such person, or shall receive from such person the oath duly sworn to and subscribed before some person authorized to administer an oath; and, in either case, shall endorse and certify the same upon such commission.

Election of Major-General. **XIX.** A Major-General shall be elected by the commissioned officers of the division, including the division staff in which the vacancy shall occur. No person shall be eligible to the office of Major-General unless he shall, at the time of his election, reside in the division, and hold a commission with the rank of or above a Major, and shall have held a commission of or above the rank of Captain for at least twelve months next preceding the election. When any vacancy shall take place in the office of Major-General, the Commander-in-Chief, for the time being, shall issue his orders to the several Brigadier-Generals, or officers commanding brigades in the division in which such vacancy shall happen, requiring them to order each Colonel or officer commanding a regiment, in their respective brigades, to hold an election in their respective regiments for a Major-General, to fill such vacancy; and the Colonels, or officers commanding regiments as aforesaid, shall post up a notice of the time and place of such election, at least fifty days before the day of election, at three public places within the limits of their respective regiments, and on the day of election shall order to their assistance the two commandants of battalions, or any two commissioned officers of their respective regiments, at the place appointed, and hold a poll from eleven o'clock A. M. to three o'clock P. M., count

the votes, and forthwith transmit to their respective Brigadier-Generals, or officers commanding brigades, a statement, in writing, showing the result of said poll, certified by them and their respective assistants; and the Brigadier-Generals, or officers commanding brigades, shall immediately transmit to the Adjutant-General's office, at Columbia, a certified statement, in writing, showing the result of the polls in their respective brigades; and the Commander-in-Chief shall pronounce the person having the greatest number of votes (if there be no contest) duly elected, and shall commission him accordingly. When the election of Major-General is contested, the same shall be tried by a board of officers appointed by the Commander-in-Chief, to consist of one Major-General, one Brigadier-General, and three field officers, from whose decision there may be an appeal to the Commander-in-Chief, and his decision shall be final and conclusive, and he shall order another election, or shall commission the person duly elected, agreeably to the decision and approval aforesaid.

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Contested election.

XX. It shall be the duty of each Major-General to superintend and preserve the military organization of his division, and enforce strictly within the same the Militia and Patrol Laws of this State; he shall, from time to time, make such reports and returns of his division as may be required of him by the Commander-in-Chief; he shall attend a review and drill of each regiment of his division at least once in two years, and shall be responsible for the correct instruction and good order of his division; he shall order and be responsible for the due execution of such inspections as may be required by law, and shall obey and execute all orders from the Commander-in-Chief.

Duties of Major-General.

XXI. A Brigadier-General shall be elected by the commissioned officers of the brigade and division staff officers residing in the brigade in which the vacancy shall occur. No person shall be eligible to the office of Brigadier-General unless he shall, at the time of his election, reside in the brigade, and have held a commission of or above the rank of Captain for at least twelve months next preceding the election. When any vacancy shall take place in the office of Brigadier-General, the Major-General, or officer commanding the division in which such vacancy shall happen, shall forthwith issue his orders to the Colonels or officers commanding the regiments of the said brigade, to hold, in their respective regiments, an election for a Brigadier-General to fill such vacancy; and the Colonels, or officers commanding regiments, shall post up a notice of the time and place of such election, at least forty days before the day of election, at three public places within the limits of their respective regiments, and on the day and at the place of election shall order to their assistance the commandants of battalions, or any two commissioned officers of their respective regiments, and hold a poll, from eleven o'clock A. M. to three o'clock P. M., count the votes, and forthwith transmit to the Major-General, or officer commanding the division, a statement, in writing, showing the result of said poll, certified by them and their assistants; and the Major-General, or officer commanding the division, shall pronounce the person having the greatest number of votes to be duly elected, and issue a commission accordingly; but if the election be contested, it shall be tried by a board of officers appointed by the Major-General, or officer commanding the division to which such brigade shall belong, to consist of a Brigadier-General and four other officers not under the rank of field officers, from whose decision an appeal shall be to the Commander-in-Chief, whose decision shall be final and conclusive; and agreeably to his decision, the Major-General, or other officer commanding the division aforesaid, shall order another election, or shall commission the person duly elected, agreeably to the decision and approval aforesaid.

Election of Brigadier-General.

XXII. It shall be the duty of such Brigadier-General of infantry or cavalry to superintend and preserve the military organization of his

A. D. 1865. Duties of brigade, and enforce strictly the Militia Laws and (the Brigadier-General of infantry) the Patrol Laws of this State; he shall annually make and transmit to the Adjutant and Inspector-General of this State, by the first day of October, a full and complete report of the strength of his brigade, of the public arms, equipments, books, ordnance and military stores in its possession; he shall, with his staff, attend a review and drill of each regiment of his brigade, at least once every year, and shall be responsible for the complete organization, correct instruction and good order of his brigade; he shall order and be responsible for the due execution of such inspections as may be required by law, and shall obey and execute all orders from the Commander-in-Chief, or any of his superior officers.

Inspections. XXIII. The Brigadier-General of the fourth brigade shall cause each and every of the volunteer companies under his command to be inspected at least once in every year by his Adjutant-General, and shall organize and have under his command a fire-guard of the volunteer companies in the city of Charleston.

Officers entitled to vote. XXIV. In all elections for Major-General or Brigadier-General, any officer entitled to vote may send his vote in writing, signed with his name, rank and title, under sealed cover, addressed to the officers holding such election for the regiment to which he belongs; or, if he be an officer attached to the division or brigade staff, he may send his vote, signed and under seal, as aforesaid, addressed to the officers holding the election for the regiment in which he resides.

Election Colonel. XXV. A Colonel of the line shall be elected by all free white men, of above the age of eighteen years, who have resided in the State at least six months next preceding the election, and belong to the regiment in which the vacancy shall occur. No person shall be eligible to the office of Colonel, Lieutenant-Colonel, or Major in the line, unless he has held a commission in the regiment at least six months next preceding the election; or, having served four years at the South Carolina Military Academy, is a graduate thereof. When any vacancy shall take place in the commission of Colonel of a regiment, the Brigadier-General, or officer in command of the brigade in which such vacancy shall happen, shall issue his order to the officer commanding such regiment to order an election for a Colonel to fill such vacancy, who shall order each Captain, or commanding officer of a company of such regiment, to put up, at his company rendezvous, a notice of such election, at least twenty days before the day of election, and on the day of election, to order to his assistance two of his subaltern officers; or if there be but one, or none, such deficiency shall be supplied by any member of the Company he may appoint, so that these persons shall open and hold a poll at such company rendezvous, from eleven o'clock A. M. to three o'clock P. M.; and if there should be any company of such regiment without any officer, then the commandant of the regiment shall appoint three fit persons of the company to act as managers of the election for such company, and issue his orders to them. And the managers, or at least one of them from each place of election, shall meet at the regimental muster-ground, on the first or second day after the election, according to order by the officer commanding the brigade, count over the votes, and forthwith transmit to him a statement, in writing, showing the result of such election, certified by all the managers present at such counting; and he shall pronounce the person having the greatest number of votes to be duly elected, and issue a commission accordingly.

Term of office of Colonel. XXVI. Every person elected a Colonel to command a regiment, and having accepted the commission, shall be compelled to serve in such office for two years, under the penalty of one hundred dollars, and fifty per cent. on the amount of his last general tax, unless he shall be sooner promoted, shall remove out of the limits of his command, or shall, from

bodily or mental infirmity, become incapable of performing his duty, or shall be deprived of his commission by sentence of a court-martial.

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XXVII. It shall be the duty of each Colonel commanding a regiment to superintend and preserve the military organization of his regiment, and enforce strictly within the same the Militia (and the Colonel of infantry the Patrol) Laws of this State; he shall detail courts-martial, to meet at his regimental muster-ground, or at some other convenient place or places within his command, at least once in every six months, to try all defaulters in Militia or Patrol duty, and all officers (below the grade of field officers) and non-commissioned officers for neglect of duty or disobedience of orders in his regiment; shall, at least once in every year, order out his regiment, and shall drill, exercise and instruct it in the school of the battalion, and shall, on the day preceding such drill, or on some convenient day before, order and assemble all his officers and non-commissioned officers, and shall exercise and instruct them in such manœuvres as he intends to be performed at his regimental drill. He shall, at least once in every year, order out and attend a review and drill of each battalion of his regiment. He shall be responsible for the complete organization, correct instruction and good order of his regiment; shall perform such inspections as shall be required of him by law; shall, at least once in every year, at such time as may be required by his Brigadier-General, make out and transmit to him a full and complete return of the strength of his regiment, and of the public arms, equipments, books, ordnance and military stores in its possession; and shall make such reports and returns respecting his regiment as may be at any time required by any of his superior officers. He shall enforce the collection of all fines imposed in his regiment, and shall obey and execute all orders from any of his superior officers. And it shall be the duty of every officer in command of any regiment or separate battalion, in the city of Charleston, to cause to be inspected by his Adjutant each volunteer company under his command at least twice every year, and, after the said inspection, to report forthwith to the Brigadier-General, or other officer in command of the fourth brigade, the condition of arms, ammunition and equipments of the companies inspected.

XXVIII. When any vacancy shall occur in the commission of Lieutenant-Colonel of any regiment, the Brigadier-General, or officer commanding the brigade to which such regiment belongs, shall immediately issue a commission of Lieutenant-Colonel to the Major then in commission in such regiment; and if it should so happen that two Majors of any regiment should rank from the same day, the rank of Lieutenant-Colonel shall be determined between them by lot, under direction of the Brigadier-General.

XXIX. A Major of the line shall be elected by all free white men, above the age of eighteen years, who have resided in this State at least six months next preceding the election, and shall belong to the battalion in which vacancy shall occur. When any vacancy shall take place in the commission of Major of a battalion, the Brigadier-General, or officer in command of the brigade in which it shall happen, shall issue orders to the Colonel, or officer commanding the regiment in which such vacancy shall occur, commanding him to order an election for a Major to fill it; and he shall order each Captain, or officer commanding a company of the battalion aforesaid, to post up at his company rendezvous a notice of such election, at least fifteen days before the day of election, and on the day of election, to order to his assistance two of his subordinate officers; or, if there be but one, or none, such deficiency may be supplied by any member of the company that he may appoint, so that three persons shall open and hold a poll at such company rendezvous, from eleven o'clock A. M. to three o'clock P. M., for a Major to fill such vacancy. And, if there

Duties of Colonel.

Vacancies how filled.

Election of Major.

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should be any company of such battalion without any officer, then the commandant of the regiment shall appoint three fit persons to act as managers of the election for such company, and issue his orders to them; the managers, or at least one of them from each place of election, shall meet at the battalion muster-ground, on the first or second day after the election, count the votes, and forthwith transmit to the Brigadier-General, or officer commanding the brigade, a statement, in writing, showing the result of the election, certified by all the managers present at such counting; and he shall pronounce the person having the greatest number of votes to be duly elected, and issue a commission to him accordingly.

Duties of
Major and
Lieutenant-
Colonel.

XXX. It shall be the duty of each Lieutenant-Colonel or Major commanding a battalion to assist the Colonel of his regiment in maintaining the military organization of his battalion, and enforcing the Militia (and the Lieutenant-Colonel and Major of infantry the Patrol) Laws within the same; he shall, at least once in every year, under the orders of his Colonel, assemble his battalion, and shall exercise and instruct it in the school of the battalion, and shall, on the day preceding such drill, assemble all his officers and non-commissioned officers, and shall instruct and drill them in the manœuvres to be performed the next day. He shall be responsible for the correct instruction and good order of his battalion, and shall, when required by his Colonel, or any of his superior officers, make a full and complete return of the strength of his battalion, and of the public arms, equipments, books, ordnance and military stores in its possession, and shall obey and execute all orders from any of his superior officers. Every person elected and having accepted the commission of a Major, to command a battalion, shall be compelled to serve in such office for two years, under the penalty of seventy-five dollars, and fifty per cent. on the amount of his last general tax, unless such person shall be sooner promoted, or shall remove out of the limits of his command, or shall, from bodily or mental infirmity, become incapable of performing the duty thereof, or be deprived of his commission by sentence of a court-martial.

Contested
elections.

XXXI. When the election of any field officer is contested, the Brigadier-General of the brigade to which such field officer shall belong shall order to his assistance two field officers of some other regiment of his brigade, not interested in the event of the dispute, and shall hear and determine the validity of such election; and either of the candidates shall have the right to appeal from such decision to the Major-General of the division to which he belongs; and the said Major-General, together with a board of general and field officers, to be appointed by, and to consist of, the said Major-General, not less than one Brigadier-General and three field officers, shall hear said appeal, and their decision shall be conclusive.

Duties of
the Adjutant
and Inspect-
tor-General.

XXXII. It shall be the duty of the Adjutant and Inspector-General to attend once in two years the muster of each regiment in the State, and the drill of the officers of each the day previous; and whenever he shall deem it necessary, he may instruct the officers of the regiment: *Provided*, There shall be no superior officer present who may think proper to assume the direction of the drill. He shall, with the consent of the Commander-in-Chief, have power to order out for drill the regiments at such times as will best permit him to perform the duties of his office; he shall keep a military bureau in Columbia, in which he shall keep a true record of the number and rank of each division, brigade and regiment in the State; he shall procure a record, annually, of the return of the strength, arms and equipments of the Militia, the names, ranks and dates of commissions of all the general and field officers; shall record all military orders received by him, and, generally, all matters which relate to his office or the Militia, and which, in his opinion, may be necessary to enable him to exhibit the true strength, character and condition of the military force of the State.

He shall, once a year, visit and inspect the arsenals and magazines in this State, and report to the Commander-in-Chief their condition, the number, kind and condition of arms, equipments and public stores in each, the number and description of public arms and equipments distributed to the Militia each year, and the disposition and condition of such distributions, the strength of the guards at each, the duties performed by them, their general condition and efficiency to discharge the duties required by them; and to enable him to perform this duty, the Quartermaster-General, and other officers having charge of these departments, shall, when required, make full reports to him of the different matters committed to their charge. He shall distribute all orders from the Commander-in-Chief to the several corps, and obey all orders from him, furnish blank forms of different returns that may be required, and explain the principles on which they should be made; he shall make a return of the Militia, with their arms, accoutrements and ammunition, to the President of the United States, on or before the first Monday in January in each year; he shall be charged with the marshaling and inspection of troops, the correspondence in relation to all military affairs, and when in the field, with all general details of service of every description; he shall be obeyed by all officers of his department, which shall consist of the division and brigade Adjutant and Inspector-Generals, the Adjutant and Sergeant-Majors of regiments, Orderly Sergeants and Clerks of companies, who shall, in addition to any other duties which may be required of them by the commandants of the respective corps to which they are attached, be charged with the performance (in their respective corps) of the duties prescribed for the Adjutant and Inspector-General.

XXXIII. The salary of the Adjutant and Inspector-General shall henceforth be one thousand five hundred dollars, and of the Quartermaster-General, two hundred dollars, annually.

XXXIV. It shall be the duty of the Quartermaster-General to superintend and inspect, at least once in every year, the arsenals and magazines of the State; to provide for the transportation and safe-keeping of the tents, arms, camp equipage and ammunition; he shall be charged with the quartering and transporting troops and their provisions, the safe-keeping and transporting of military stores and materials of every kind, opening roads, and building and repairing bridges for military purposes; he shall receive all fines imposed by any court-martial appointed by the Commander-in-Chief, and pay over the same to his order; he shall annually make to the Commander-in-Chief a full report of the amount of money received by him, and from what source, the amount paid out, to whom, and the amount remaining in his hands; he shall, also, make annually, to the Adjutant and Inspector-General, a full report of the number and kind of arms, ammunition, ordnance and military stores and equipments remaining in the arsenals and magazines, and the number and kind delivered out, to whom, and upon what condition, and generally upon all matters relating to his department; he shall, also, annually make to the Commander-in-Chief a full report of the amount of money received by each division, brigade and regimental Quartermaster in the State, the amount paid out by each, and the amount remaining in the hands of each; he shall be charged with the payment of the Militia when in the service of the State; he shall give bond, with sureties, payable to the State of South Carolina, for the faithful discharge of his duty, in such sum as may be deemed necessary by the Commander-in-Chief, which bond shall be deposited in the office of the Adjutant-General; he shall be obeyed by all officers of his department, which shall consist of the division, brigade and regimental Quartermasters, Quartermaster-Sergeants, the arsenal keepers and powder receivers, who shall, in addition to any other duties

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Salary of the
Adjutant and
Inspector-
General.

Duties of
Quartermas-
ter-General.

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XXXV. In addition to the duties prescribed for the Quartermaster-General, it shall be the duty of each division Quartermaster to receive all Duties of fines imposed by any court-martial appointed by his Major-General, and division Quartermaster. to pay over the same to the order of the Commander-in-Chief, or such

Major-General; he shall annually make to the Quartermaster-General and his Major-General a full report of the amount of money received by him, from what source, the amount paid, to whom, and the amount remaining in his hands; he shall, also, make annually to the Quartermaster-General, a full report of the amount of money received by each brigade and regimental Quartermaster in his division, the amount paid by each, and the amount remaining in the hands of each; he shall be charged with the payment of the Militia of his division, when in the service of the State; he shall give bond, with sureties, in the penal sum of one thousand dollars, to the State of South Carolina, for the faithful performance of his duty, which bond shall be lodged with the Clerk of the Court of the District in which he resides at the time of his appointment as division Quartermaster; he shall be obeyed by all brigade and regimental Quartermasters of his division.

Duties of brigade Quartermaster. XXXVI. It shall be the duty of each brigade Quartermaster to receive all fines imposed by any court-martial appointed by the Brigadier-General, or officer commanding the brigade to which he belongs, and pay over the

same to the order of the Commander-in-Chief, the Major-General of the division, or Brigadier of the brigade, to which he belongs; he shall annually make to the division Quartermaster of the division to which he belongs, and to the officer commanding his brigade, as often as may be required by such officer, a full report of the amount of money received by him, from what source, the amount paid, to whom, and the amount remaining in his hands; he shall annually make to his division Quartermaster a full report of the money received by each regimental Quartermaster in his brigade, the amount paid out, and the amount remaining in the hands of each; he shall be charged with the payment of the Militia of his brigade, when in the service of the State; he shall give bond, with sureties, to the State of South Carolina, in the penal sum of one thousand dollars, for the faithful performance of his duties, which bond shall be lodged with the Clerk of the Court of the District in which he resides at the time of his appointment as brigade Quartermaster; he shall be obeyed by all regimental Quartermasters in his brigade.

Duties of regimental Quartermaster. XXXVII. It shall be the duty of each regimental Quartermaster to receive all fines imposed by any court-martial appointed by the Colonel, or officer commanding the regiment to which he belongs, and pay over the

same to the order of the Commander-in-Chief, or Major-General of the division, or Brigadier-General of the brigade, or Colonel, or officer commanding the regiment to which he belongs. He shall make, as often as may be required by such officer, a full report of the money received by him, from what source, the amount paid out, to whom, and the amount remaining in his hands; he shall be charged with the payment of the Militia of the regiment to which he belongs, when in the service of the State; he shall give bond, with sureties, to the State of South Carolina, in the penal sum of one thousand dollars, for the faithful performance of his duty, which bond shall be lodged with the Clerk of the Court of the District in which he resides at the time of his appointment as regimental Quartermaster.

Duties of Judge Advocate-General. XXXVIII. It shall be the duty of the Judge Advocate-General to attend all courts-martial appointed by the Commander-in-Chief, and to prosecute, in the name of the State, all persons who may be brought before such

courts; and shall, when required by the Commander-in-Chief, or any Major-General, give his opinion in writing on any point of Militia, or Patrol Law.

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XXXIX. It shall be the duty of the Commissary-General of Purchases to purchase all arms, equipments, munitions of war, ordnance stores, military materials, medicines and surgical instruments.

Duties of Commissary-General of Purchases.

XL. It shall be the duty of the Commissary-General of Issues to purchase, or otherwise procure, all subsistence, fuel, forage and straw for bedding for troops in service, which he shall deliver over to the Quarter-General, under such regulations as may be prescribed.

Duties of Commissary-General of Issues.

XLI. The Physician and Surgeon-General is charged with the government of hospitals, and regulating the duties of Surgeons and Assistant Surgeons. He shall be obeyed by the Apothecary-General and all Surgeons and Assistant Surgeons.

Duties of Physician and Surgeon-General.

XLII. It shall be the duty of the Apothecary-General to receive from the Commissary-General of Purchases all medicines and surgical instruments; and he is charged with the safe-keeping and distribution of the same.

Duties of Apothecary-General.

XLIII. The Captain, First Lieutenant and Second Lieutenant of a company shall be elected by all free white men, above the age of eighteen years, who have resided in the State at least six months next preceding the election, and belong to the company in which the vacancy shall occur.

Duties of Election of company officers.

XLIV. When any vacancy shall occur in the commission of a Captain, First Lieutenant or Second Lieutenant of a company, the Colonel, or officer commanding the regiment in which such vacancy shall happen, shall issue his orders to the Lieutenant-Colonel or Major, or officer commanding the battalion in which such vacancy shall happen, commanding him to order an election to fill such vacancy, and also to order two fit persons of said company to manage the election; and the managers shall advertise the election at two public places within the limits of the company for at least ten days before the day of election, and shall open and hold a poll at the usual muster-ground of the company, from eleven o'clock A. M. to three o'clock P. M., count the votes on the same evening, and forthwith transmit to the Colonel, or officer commanding the regiment, a statement, in writing, showing the result of such election, certified by the managers, and he shall pronounce the person having the greatest number of votes to be duly elected, and issue a commission to him accordingly. When such election is contested, the Colonel of the regiment to which such officer shall belong shall order his Lieutenant-Colonel and Major to his assistance, and shall hear and determine the same, and their decision shall be conclusive.

Vacancies, how filled.

XLV. Each person elected an officer in the company, who shall accept the commission, shall be compelled to serve in the office to which he shall be elected for twelve months, under the penalty of twenty dollars, and fifty per cent. on the amount of his last general tax, unless he shall be promoted, or remove out of the limits of his command, or become, from bodily or mental infirmity, incapable of performing the duty thereof, or be deprived of his commission by the sentence of a court-martial.

Term of office.

XLVI. It shall be the duty of each Captain, or commanding officer of a company, to enforce, within his company, the Militia (and the commanders of best companies the Patrol) Laws of this State. He shall assemble his company at least twice in each year, and shall instruct, drill and exercise it in the schools of the soldier and company; he shall be responsible for the correct instruction and good order of his company; he shall constantly keep in office in his company the full number of non-commissioned officers required by law, under the penalty of fifty dollars; he shall appoint the Sergeants, Corporals, Clerk and Musicians of his company, and they shall be removable at his pleasure; he shall make such

Laws to be enforced.

Parades, etc.

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returns and reports of his company as may be required by any of his superior officers; he shall report all the defaulters of his company for the neglect of Militia or Patrol duty, all non-commissioned officers for neglect of duty or disobedience of orders off duty, to the first court-martial authorized to try the same, after the commission of such default, neglect or disobedience; he shall cause them to be summoned to attend said court, which he shall furnish with the evidence of such summons, and shall transmit to the court all written excuses that may be given to him for that purpose. If he should have no defaulters to report to any court-martial detailed for the trial of defaulters in his regiment or battalion, he shall report that fact, in writing, to such court, and shall execute and obey all orders from any of his superior officers.

Duties of Lieutenants. **XLVII.** It shall be the duty of the First Lieutenant and the Second Lieutenants to assist the Captain of their company to maintain its military organization, and to enforce the Militia and Patrol Laws within the same, and to execute and obey all orders of their superior officers.

Managers of Elections. **XLVIII.** The officers, or others managing an election for any Militia officer, before they proceed to hold the election, shall be duly sworn that they will impartially hold and faithfully conduct such election, and they are severally authorized to administer such oath to each other; they shall enter in a book or roll the names of all persons voting at such election, and shall provide a box or bag to receive the ballots; they may require any person offering his vote to swear that he is duly qualified and entitled to vote, and may propound such questions as may be necessary to satisfy themselves of his qualification.

Contested elections. **XLIX.** In all cases of contested elections, a protest, in writing, stating the ground of such contest, shall be delivered to the officer authorized to issue the commission, and a copy shall be served upon the person having the plurality of votes, within thirty days after the election.

Resignations. **L.** Resignations of Militia officers shall be tendered, in writing, to the following officers, and, if accepted, shall be retained on file in the department of the officer accepting them, viz: A Major-General shall resign to the Commander-in-Chief; a Brigadier-General, or officer of the division staff, to the Major-General of the division, to which such resigning officer belongs; or if there be no Major-General, then to the Commander-in-Chief; the field officers, and officers of the brigade staff, to the Brigadier-General; and if they have none, then to their Major-General, or officer commanding the division to which they belong; the company officers and regimental staff, to the Colonel or commandant of the regiment.

Vacancies. **LI.** When any vacancy in the commission of any officer of the line shall occur, the officer whose duty it may be to order an election to fill it, shall forthwith issue his order, placing the officer next in rank in the corps in which the vacancy shall happen in the office vacated, until an officer shall have been elected and commissioned to fill such vacancy; and in the interim, the officer so ordered to fill the vacancy *pro tempore*, shall have the same powers and be liable to the same penalties as if elected to said office.

Officers to reside within their respective commands. **LII.** Each officer shall reside in his command, and on his removal from within therefrom, his commission shall be vacated: *Provided*, That when the limits of dividing line between any regiments, battalions or beats, shall pass through any city, town or village, any person holding a commission in either regiment, battalion or beat, may reside anywhere within the limits of such city, town or village, without forfeiting his commission; and that when the dividing line between two regiments or battalions, in any brigade, shall pass through the lands of any person on which he resides, it shall be lawful for him to hold a commission in either of such regiments or battalions.

LIII. If any regiment or battalion shall neglect or refuse, for six months, to elect an officer to command such regiment or battalion, or if the person elected shall refuse to accept such office, it shall be the duty of the Brigadier-General, or officer commanding the brigade to which such regiment or battalion belongs, to appoint and commission a fit person, liable to do ordinary Militia duty in such regiment or battalion, to command such regiment or battalion, and he shall be compelled to serve in such office for two years, under the penalty (if appointed to the command of a regiment) of one hundred dollars, and fifty per cent. on the amount of his last general tax; and if appointed to the command of a battalion, under the penalty of seventy-five dollars, and fifty per cent. on the amount of his last general tax; but he shall not be compelled to serve in such office longer than two years in four.

LIV. If any beat company shall neglect or refuse, for two months, to elect an officer to fill any vacancy which shall occur in it, or the person elected shall refuse to accept of such office, it shall be the duty of the Colonel, or officer commanding the regiment to which such company belongs, to appoint and commission some fit person, liable to ordinary Militia duty in such beat, to fill such office, and he shall be compelled to serve in such office for twelve months, under the penalty of fifty dollars, and fifty per cent. on the amount of his last general tax, unless he shall be sooner promoted, or from bodily or mental infirmity become incapable of performing the duties thereof, or remove out of the limits of his command, or unless the company shall sooner elect some fit person, who shall accept such commission; and it shall be the duty of the Colonel, or officer commanding the regiment, to appoint and commission, as often as the appointment shall be refused; and in every case of refusal to accept, the penalty shall be enforced; but no person appointed by the Colonel to an office in a beat company shall be compelled to uniform himself, or serve in such office longer than one year in three.

LV. Every person appointed a Sergeant or Corporal in a company shall be compelled to serve in that post for twelve months, under the penalty of twenty dollars, and fifty per centum on the amount of his last general tax, unless he be sooner promoted, or shall remove out of the limits of the company, or shall become, in the opinion of the officer commanding the company, incapable of discharging the duties of the appointment; but no person shall be compelled to serve as a Sergeant or Corporal longer than one year in two.

LVI. It shall be the duty of the Sergeants and Corporals of every company to warn the subaltern officers and privates of their respective companies, whenever necessary, to all musters; to summon (when required) all defaulters of Militia and Patrol duty, all non-commissioned officers for neglect of duty or disobedience of orders off parade, and all fatigue-men for the non-performance of duty, to the court-martial detailed for their trial, and to report, in writing, on oath, such summoning to the Captain, or commanding officer of their company, before the sitting of such court; and the officer under whose authority any Sergeant or Corporal shall be required to summon any person to a court-martial, is hereby authorized to administer an oath to prove such summons, and to certify the same. And it shall be the duty of all officers, whose duty it shall be to appoint Sergeants and non-commissioned regimental staff officers, to give them respectively a certificate, signed officially, specifying the appointment, its date, and the company or regiment to which they belong.

LVII. It shall be the duty of each Clerk in any beat company, once in every year, to take a census of his company, and he is authorized to demand the name of every person resident within its limits, and inquire into the liability of such person to perform Militia or Patrol duty in such company; and if any person shall fail or refuse to answer satisfactorily,

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Officers to be appointed under certain contingencies.

Neglect or refusal to fill vacancies.

Term of service of Sergeants and Corporals.

Duties of Sergeants and Corporals.

Duties of Clerks of beat companies.

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on oath, (which oath he is hereby authorized to administer,) the necessary inquiries of such Clerk respecting his liability to perform such duty, such person shall be enrolled by the Clerk, and shall not afterwards be permitted to plead any exemption or disability which existed at the time of such enrollment; and if in the sixteenth regiment, shall forfeit and pay the sum of ten dollars, to be sued for and recovered before any Magistrate, which penalty shall be paid into the hands of the Quartermaster of the sixteenth regiment; he shall keep a roll of all persons liable to perform ordinary Militia duty, a list of all alarm men, and a roster of all persons liable to perform ordinary Patrol duty in his company; he shall, under the superintendence of the Captain, or commanding officer of the company, make out and furnish all Patrol warrants to the commanders of Patrols; he shall make out and present to the commanding officer of his company all the returns of the strength and equipments of the company that shall be required; he shall keep a book in which he shall record all written orders received or issued by the commander of the company; and he shall be exempt from drill at company, battalion, regimental and brigade meetings. Every Clerk of a company, for neglect of any duty required by law, or disobedience of orders, shall be fined in the sum of five dollars, and fifty per cent. on the amount of his general tax.

Cavalry, duties to be performed.

LVIII. The cavalry of this State shall consist of volunteers, in the territorial limits of each brigade of infantry, who shall hold themselves in constant readiness to march to any point in the State, to suppress insurrection or repel invasion; and no company shall consist of more than one Captain, one First Lieutenant and two Second Lieutenants, four Sergeants, four Corporals, one saddler, one farrier, one trumpeter, and eighty privates.

Officers of cavalry companies.

LIX. No company of cavalry shall be received or organized as a company unless such company, at its first inspection, shall consist of at least one Captain, one First Lieutenant and two Second Lieutenants, four Sergeants, four Corporals, one saddler, one farrier, one trumpeter, and thirty-two privates, in full uniform, and each member fully equipped with a saddle, bridle, halter, martingale, crupper, valise and spurs, and mounted upon a serviceable horse, at least fourteen-and-a-half hands high; the uniform to be submitted to and approved by the Major-General, or officer commanding the division to which such company may belong; and if at any subsequent inspection any company of cavalry shall not contain one Captain, three Lieutenants, four Sergeants, four Corporals, and twenty-four privates, fully equipped, armed and mounted, as above, and shall not recruit to that number within six months after notice to fill up its ranks, given to the commander of such company, then such company shall be dissolved and the commissions of the officers vacated.

Cavalry attached to infantry under certain contingencies.

LX. Whenever there shall be but one company of cavalry within the limits of any infantry brigade, the Brigadier-General, or officer commanding such brigade, shall attach such company to one of the regiments of infantry or artillery of his brigade, and such company shall be subject to, and obey the orders of, the officer commanding such regiment of infantry or artillery.

Battalions of cavalry.

LXI. Whenever there shall be more than one, and less than four companies of cavalry, or mounted companies raised, or that may be raised, under the proclamation of the Provisional Governor, within the limits of any brigade, such companies shall be organized by the officer commanding such brigade into a battalion of cavalry, attached to such brigade, and subject to, and shall obey the orders of, the officer commanding such brigade.

Regiments of cavalry.

LXII. Whenever there shall be four or more companies of cavalry within the limits of any infantry brigade, such companies shall be organized by the officer commanding such brigade into a regiment of cavalry,

which regiment shall have the number and corresponding rank of the brigade in which it is raised, and the officers thereof shall take rank of all officers of similar grade and date of commission in any regiment higher in number; but no regiment shall consist of more than eight companies.

LXIII. Whenever there shall be two regiments of cavalry in a division, such regiments shall be organized, by the officer commanding such division, into a brigade of cavalry, which brigade of cavalry shall take the number and corresponding rank of such division, and the officers thereof shall take rank of all officers of similar grade and date of commission in any brigade higher in number.

LXIV. Each battalion or squadron of cavalry shall consist of not less than two, or more than four, companies; and it shall be the duty of the cavalry to be Colonel, or officer commanding a regiment of cavalry, to arrange the companies of his regiment into battalions, as equal as practicable.

LXV. Whenever there shall be but one regiment of cavalry in any division, such regiment shall be attached to, and form a part of, the brigade in which such regiment is raised, and shall be subject to, and obey the orders of, the officer commanding such brigade.

LXVI. There shall be, to each brigade, regiment, battalion and company of cavalry, the same number and grade of officers and non-commissioned officers allowed to the infantry, who shall respectively perform the duties heretofore prescribed.

LXVII. Elections for officers in the cavalry shall be ordered, advertised and conducted, the same eligibility to office, and the same qualifications in the voters required, all appointments made, and the persons elected or appointed to office commissioned, in the same manner as in the infantry; no person in the artillery or infantry shall be eligible to office, or entitled to vote for any officer, in the cavalry; and no person in any organized brigade of cavalry shall be eligible to office or entitled to vote in any brigade of infantry; and no person in any organized regiment, battalion, or company of cavalry, shall be eligible to office, or entitled to vote for any officer, in any regiment, battalion or company of infantry or artillery.

LXVIII. Whenever any battalion or squadron of cavalry shall be reduced below two companies, it shall be dissolved, and the commission of the Lieutenant-Colonel or Major thereof shall be vacated; whenever any regiment of cavalry shall be reduced below four companies, it shall be dissolved, and the commissions of the Colonel and staff officers thereof shall be vacated; whenever either of the regiments comprising a brigade of cavalry shall be dissolved, such brigade shall be dissolved, and the commissions of the Brigadier-General and staff be vacated.

LXIX. If any collision shall arise between the cavalry and the infantry, within any division in which a brigade of cavalry shall be organized, it shall be the duty of the Major-General to determine the case; and if any ties, such collision shall occur within any brigade of infantry, in which the cavalry shall not form a part of an organized brigade of cavalry, it shall be determined by the Brigadier-General of infantry; the parties in the former case have the right of appeal to the Commander-in-Chief, and in the latter to the Major-General of the division.

LXX. Each Colonel of cavalry shall attend a muster, and instruct each company of his regiment, at least once in every two years; and each Lieutenant-Colonel and Major of cavalry shall attend a muster, and instruct each company of their respective battalions, at least once in every year.

LXXI. There shall not be more than one volunteer company of artillery to each regiment of infantry, except in the fourth brigade, and it shall be attached to the regiment in which it is raised; and such company shall consist of one Captain, four Lieutenants, four Sergeants, four Corporals,

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Brigades of cavalry.

Battalions of cavalry to be formed.

Regiment of cavalry.

Officers.

Elections of officers.

Battalions or squadrons to be dissolved.

Officers to settle difficulties.

Colonels, Lieutenant-Colonels and Majors to attend parades.

Artillery.

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and at least forty privates; and any company that shall not consist of the number of officers, non-commissioned officers and privates aforesaid, in full uniform, and shall not recruit to that number within six months after notice to the commander thereof to fill up its ranks, shall be dissolved, and the commission of its officers shall be vacated.

Amount allowed for each piece of artillery

LXXII. Each corps of artillery throughout the State shall be allowed the sum of thirty-seven dollars and fifty cents for each piece of artillery fully manned and regularly exercised by the said corps, for the purpose of defraying the expenses of the same, to be drawn from the Treasury by order of the commanding officer of the said corps, countersigned by the commanding officer of the regiment or battalion to which the said company may be attached, stating the number of pieces so manned and exercised as above: *Provided*, The sum so to be drawn shall in no case exceed the sum of two hundred and twenty-five dollars.

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Light infantry or riflemen.

LXXIII. There may be to each regiment of infantry as many volunteer companies of light infantry or riflemen as practicable. Such companies shall consist of one Captain, one First Lieutenant and two Second Lieutenants, five Sergeants, six Corporals, and not more than eighty-six, nor less than forty privates, in full uniform, and such uniform shall be submitted to, and approved by, the commander of the brigade to which such company belongs; whenever any such company shall be reduced below the number of officers, non-commissioned officers and privates, in full uniform, above required, and shall not recruit to such number within six months after notice to its commander to fill up its ranks, it shall then be dissolved, and the commissions of its officers vacated.

Officers of light infantry or rifle companies.

LXXIV. No volunteer company of light infantry or riflemen shall consist of more than one Captain, three Lieutenants, four Sergeants, four Corporals, two Musicians, and eighty-six privates. Each non-commissioned officer, Musician and private of a volunteer company shall be furnished by the commanding officer thereof with a certificate of membership, and it shall be evidence of exemption from Militia duty in the beat company in which he shall reside; but no such certificate shall be given, nor such exemption allowed in the beat company, until such person, alleging his membership of a volunteer company, shall be uniformed and equipped according to law; and any officer who shall knowingly give a false certificate of membership, shall be court-martialed, convicted and cashiered, and shall forever be deprived of becoming a member of any volunteer company.

Constitution and by-laws.

LXXV. Volunteer companies may adopt a constitution and set of by-laws, not conflicting with the general law, and enforce the same by all needful rules and regulations; and hold company courts-martial, to be composed of a majority of the commissioned officers, for the trial of offences created by such constitution and by-laws; and to collect by process of execution, to be issued by the presiding officer thereof, all fines and penalties imposed by such courts-martial. Such process shall be executed by the Sheriff of the District wherein the person fined resides, and a return thereof be made by the said Sheriff to the Captain of said company within three months after the same may have been lodged in his office. In every other respect, the said courts-martial shall be subject to the law in regard to regimental courts-martial.

Beat companies not to be reduced below a certain number.

LXXVI. A beat company shall not be reduced, by the raising of any volunteer company, below the aggregate of twenty-five men, including officers, non-commissioned officers and Musicians; and when any beat company shall, from any cause, become reduced below the aggregate of twenty men, and there shall be any one liable to do ordinary Militia duty residing therein, and claiming to be a member of any volunteer company, the commanding officer of the former shall require the commander of the

latter to transfer to him a sufficient number of men residing therein to make up the number of twenty men, even if it should take all the members of such volunteer company that shall reside in such beat, and they shall become members of said company; such requisitions shall be made upon the different corps in the following order, to wit: First, upon the artillery; second, upon the light infantry and riflemen; and, lastly, upon the cavalry.

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LXXVII. The commanding officer of a volunteer company objecting to such requisition shall, within twenty days thereafter, make the same, to Objections to requisitions in writing, to the commander of the regiment to which the beat belongs, who shall determine the validity of such objections; and either party may appeal, in case the requisition be made upon a company of cavalry forming a part of a brigade of cavalry, to the Major-General of the division, and, in all other cases, to the Brigadier-General of the brigade to which such company belongs, and the decision of the Major-General, in the former, and the Brigadier-General, in the latter case, shall be conclusive. If the commander of a volunteer company shall neglect or refuse to comply with such requisition, and shall not, within twenty days thereafter, make his objections thereto as aforesaid, the commanding officer of the beat company shall enroll in his company the names of persons residing therein, and belonging to such volunteer company, and have them warned thereof, and they shall perform Militia duty in such beat company: *Provided*, That, no such enrollment shall exceed more than a sufficient number to make the aggregate of twenty-five men.

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LXXVIII. No member of any volunteer company shall leave it, unless he shall have given at least six months' notice, in writing, of such intention, to the commander thereof, and shall forthwith enroll himself in the beat company in which he resides, or become a member of some other volunteer company, and produce a certificate thereof from the commander of such company, or unless he shall have accepted of an office inconsistent with the membership of such company.

Notice of leave.

LXXIX. When any volunteer company shall be dissolved, each member thereof shall forthwith enroll himself in the beat company in which he resides, or shall become a member of some other volunteer company; and every person that shall neglect or refuse to do so shall be fined in double the amount for which he should have been liable if he had been regularly enrolled, and made default for each muster of the beat company that shall occur after such dissolution and before his enrollment.

Volunteer companies dissolved.

LXXX. Officers, non-commissioned officers and privates of volunteer companies shall perform the same duties, and be liable to the same fines and penalties, as other officers, non-commissioned officers and privates of the Militia; and if any such company shall be called into service by the Commander-in-Chief of this State, and shall refuse to go as a whole company, it shall be forthwith dissolved, and each member so refusing to go into service shall be forever deprived of becoming a member of any volunteer company.

Duties of officers and privates.

LXXXI. Any officer of any volunteer company who shall make a false muster of his company, with the intention to deceive any officer whose duty it may be to inspect such company, or shall knowingly make any false representation to such officer concerning the number of men in his company, or their uniforms, arms or equipments, shall, upon conviction by a court-martial, be cashiered, and forever deprived of becoming a member of any volunteer company.

False muster of a company.

LXXXII. The Adjutant and Inspector-General, and the officers of his department, under his orders, shall hereafter inspect all volunteer companies, and shall report the reception and dissolution of any company to the Brigadier-General, and no other officer shall have authority to receive or dissolve such company; when the reception or dissolution of a com-

Duties of Adjutant and Inspector General and his officers.

A. D. 1865. Volunteer companies of cavalry shall affect the organization of a brigade of cavalry, it shall be reported to the Major-General of the division.

Volunteer companies to elect their officers. LXXXIII. Volunteer companies shall elect their own officers; and no member of such company shall be entitled to vote at any election for an officer of a beat company.

Commander-in-Chief to order courts-martial. LXXXIV. The Commander-in-Chief shall have power to order courts-martial for the trial of any officer, non-commissioned officer, Musician, private or fatigue-man of the Militia of this State; and the several officers commanding divisions, brigades or regiments, shall have power to order courts-martial for the trial of any officer, non-commissioned officer,

Musician, private or fatigue-man of the respective divisions, brigades or regiments; and the commander of a battalion of artillery or cavalry, not forming a part of an organized regiment of cavalry, shall have power to order courts-martial for the trial of any officer, non-commissioned officer, Musician or private in his battalion. The officer ordering a court-martial shall detail an officer to act as Judge-Advocate of the same.

Courts-martial. LXXXV. A court-martial, for the trial of any commissioned officer, shall consist of not less than five or more than thirteen commissioned officers; for the trial of a Major-General, it shall consist of at least one Major-General, two Brigadier-Generals, and the other members of the court shall be officers above the rank of Captain; for the trial of a Brigadier-General, it shall consist of at least one officer of the rank of Brigadier-General, and the other members of the court shall be above the rank of Captain; for the trial of a Colonel, a Lieutenant-Colonel and Major, or any staff officer of their respective ranks, it shall consist of at least one officer not under their respective ranks, and the other members thereof officers not under the rank of Captain; for the trial of a Captain, Lieutenant, or any staff officer of their respective ranks, shall consist of at least one officer not under the rank of Major, and the other members of the court shall be commissioned officers; and for the trial of a non-commissioned officer, Musician, private or fatigue-man, shall consist of at least three commissioned officers.

Major to order courts-martial. LXXXVI. It shall be the duty of each Major commanding a battalion of artillery or cavalry, not forming a part of an organized regiment of cavalry, to order courts-martial, which shall meet at least once in every four months, at some convenient place within the limits of such battalion, and shall try all non-commissioned officers, Musicians and privates of the battalion for their default in any duty required by law; he shall report to the officers of the brigade, to which such battalion is attached, every officer thereof who shall disobey any order, or not perform the duty required by law.

Supernumeraries. LXXXVII. The officer authorized to order a court-martial shall also have power to appoint supernumeraries, as well as the members of such court, and the former shall supply the vacancies occasioned by the absence, inability or incompetency of the latter; but such court shall not be composed of supernumeraries below the rank required by law to constitute it.

The acting Judge-Advocate to administer oaths. LXXXVIII. The acting Judge-Advocate of a court-martial shall administer to each witness, before allowed to give evidence, the following oath, to wit: "You swear the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

Excuses. LXXXIX. Any person may send his excuse or defence in writing, sworn to before some person authorized to administer such oath, to any court-martial convened for his trial, and it shall be received and acted on by the court, unless it shall deem his personal attendance necessary to an adjudication of the matter, in which case the President of the court shall issue his summons, requiring the personal attendance of such person, on

such day as may be appointed by the court; and if the person summoned shall neglect or refuse to obey it, the court shall proceed as if no defence had been rendered.

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XCI. The members of a court-martial, in giving their opinions upon any question submitted to them for decision, shall do so successively, beginning from the youngest in commission, the President delivering his opinion last.

Opinions to be delivered.

XCI. The acting Judge-Advocate of every court-martial shall make a faithful record of the proceedings of such court, which, after being read over in their hearing, shall be signed by the President and himself, and transmitted by the latter to the officer ordering the court. No sentence of any court-martial shall be executed until approved by the officer ordering such court. If any officer ordering a court-martial shall be promoted, resign, die, or vacate his commission by removal, or in any other way before the sentence shall have been executed, the proceeding of such court-martial shall be transmitted to his successor in command, who shall have the same power and discharge the same duty in regard to such proceedings as if he had originally ordered the court.

Records of courts-martial.

XCI. If the officer authorized to approve the proceedings of a court-martial shall think their decision erroneous, he may re-assemble them to consider the case, and may assign his reasons to them, and they shall forthwith reconsider the case, and their determination shall be conclusive, and he shall carry the same into effect; but in every case affecting the rank or commission of any officer, this officer shall, after the reconsideration of such court, have the right of appeal, from a court ordered by a Colonel, to the Brigadier-General, or from a court ordered by a Brigadier to the Major-General, or from a Court ordered by a Major-General to the Commander-in-Chief, and the decision of the officer to whom the appeal is made shall be conclusive.

Proceedings with reference to erroneous decisions.

XCI. The acting Judge-Advocate of a court-martial, for the trial of an officer, non-commissioned officer, Musician, private or fatigue-man, shall administer to each member of it, before they proceed to such trial, the following oath, to wit: "You swear that you will well and truly try and determine, according to the law and evidence, such cases as shall be brought before you, without partiality, favor or affection, and that you will not divulge the sentence of the court until it shall be published by proper authority, neither will you disclose the vote or opinion of any particular member of the court-martial, unless required as a witness to give evidence thereof by a court of justice. So help you God." When such oath shall have been administered to the members of the court-martial, and the President thereof, he shall administer to the acting Judge-Advocate the following oath, to wit: "You swear that you will not disclose the vote or opinion of any particular member of the court-martial, unless required as a witness to give evidence thereof by a court of justice, nor divulge the sentence of the court to any but the proper authority, until it shall be disclosed by the same. So help you God."

Oaths to be administered to members of courts-martial.

XCI. If any member of a court-martial shall be challenged by the accused, he shall state the cause of his objection, which the court shall in case of reconsider and determine; and if any person arraigned before a court-martial shall stand mute, refuse to plead, or answer foreign to the purpose, or if any one summoned to make his defence before a court-martial shall neglect or refuse to appear or to send his defence in writing, sworn to before some one authorized to administer such oath, the court shall proceed to try and adjudge the case as if he had pleaded not guilty; but in every such case the persons against whom judgment may be rendered, or any one dissatisfied with such decision, shall have the right, within thirty days after its publication, to appeal to the officer ordering the court, accompanying the same with an affidavit that he could not attend.

Proceedings in case of refusal to plead.

A. D. 1865. the court, nor render his defence in writing to the same, or that he could not, from some cause which shall be stated, make his defence to such court, without neglect or design on his part, and that the appeal is not merely for delay: *Provided, also,* That any person who may be fined by default, and conceive himself aggrieved by the sentence of the court, and shall make affidavit that he could not attend the court by which he was tried, or render his excuse in writing to the same, and that it was out of his power to sue out an appeal before the issuing of execution, and that he does not appeal for the purposes of delay, the officer ordering such court shall have power to hear and determine the case; and if he shall decide in favor of the party so appealing, he shall notify the Sheriff, in writing, to that effect, upon which the Sheriff shall enter satisfaction in the case, stating the manner in which it was settled.

Appeal by a Proviso. XCV. In case of appeal by a commissioned officer from the decision of commissioned a court-martial, the officer ordering it shall re-assemble it, or order a new court, for the trial of such appeal, and such court shall proceed to try and adjudge such case as if no trial had occurred; and in all other cases of appeal, the officer ordering the court shall hear and determine the case, and his decision shall be conclusive.

Certificate of XCVI. The officer who shall report any defaulter of Militia, Patrol or correctness by fatigue duty to any court-martial, shall certify to its correctness, which officer report- shall be deemed by the court as sufficient evidence of such default, unless it shall be denied on oath by the person reported, or disproved by other competent testimony; and the acting Judge-Advocate of any such court-martial, upon its final adjournment, shall, where it was held, put up a notice of the names of such as have been fined by the court, the fine imposed on each, and shall furnish the proper Quartermaster with a copy thereof.

Summons to XCVII. Any member of a court-martial, or the Judge-Advocate thereof, compel the at- shall, upon application by any one interested in any trial to be had before tendance of such court, previous to its sitting, issue his summons to compel the attendance of any witness at such court, which may be served upon the witness by any person whatever; and if, after being so summoned, he shall neglect or refuse to obey the same, without a sufficient excuse, he shall be liable to a fine; if an officer, equal in amount to the fine imposed upon one of his grade for non-attendance at a regimental parade; and if a non-commissioned officer, Musician, private, or person exempt from Militia duty, two dollars, and fifty per centum upon the amount of his last general tax: *Provided,* No person shall be compelled to attend any court-martial who shall reside more than twenty miles from the place where such court shall sit.

XCVIII. The form of a military summons for a witness shall be as follows:

Form of a THE STATE OF SOUTH CAROLINA.
military sum- To

You are hereby summoned, upon the application of C. D., to attend a court-martial to be held at , on the day of , A. D. 18 , to give testimony in a case then and there to be tried.

(Signed)

A. B.,

(Member of the Court, or Judge Advocate, as the case may be.)

Written de- XCIX. The written deposition of any witness, sworn to before some position. person authorized to administer an oath, may be given in evidence at any court-martial: *Provided,* The Judge-Advocate and party accused shall both be present at the taking of such deposition; and that the Judge-Advocate and party accused shall each have a right to refuse to admit such testimony on the trial, unless he has had at least five days' previous notice

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of the time and place of taking the same, and that whenever such notice has been given, such testimony may be given in evidence. A. D. 1865.

C. The officer to whom the proceedings of any court-martial shall be transmitted for approval, on the expiration of thirty days from its adjournment, shall issue execution for all fines imposed by such court, and not previously paid to the proper Quartermaster, and shall forthwith lodge the same in the Sheriff's office of the District in which the person fined resides; and the Sheriff shall enforce and return the same to him within four months from his lodging, and shall pay the amount to the Quartermaster, under the penalties now imposed by law for not returning process issued from the Courts of Record in this State, and shall be liable to rule and attachment from the Court of Common Pleas of the District wherein he resides, upon motion of any Attorney or commissioned officer of the Militia.

CI. Any person on whom a fine shall be imposed by a court-martial may, within twenty days after its adjournment, pay the same to the Quartermaster, who shall give him a receipt for it, and forthwith report such payment to the officer to whom the proceedings of the court shall have been transmitted.

CII. The Sheriff shall, upon the delivery of an execution in his office for a Militia or Patrol fine, ascertain from the tax list in the office of the Clerk of the Court of Common Pleas the tax paid by the defendant in each execution for the year mentioned in the same, and shall insert therein the aggregate amount of fine imposed, and the per cent.; and if such defendant shall neglect or refuse to pay the same, and the costs accruing, and shall fail to point out to the Sheriff sufficient personal property to satisfy the same, he shall, by virtue of such execution, seize such person and commit him to close confinement in the common jail of his District, there to remain until the fine and costs are paid; but any one so committed shall be released at the end of a time to be computed at the rate of one day for every dollar of such fine, upon his swearing, before some Magistrate, that he is unable to pay the sum for which he stands committed; and in no case shall such person be confined in prison for more than ten days, if, at the end of that time, he shall take the oath above required. Whenever one or more fines shall be imposed by the sentence of a court-martial, the officer whose duty it shall be to issue execution for the collection thereof may include all or any number of the said fines in a single execution, of the following form:

CIII. THE STATE OF SOUTH CAROLINA.

To the Sheriffs of said State:

Whereas, at a court-martial held at , on the day of , A. D. 18 , the persons named in the following list were sentenced by the said court for the causes specified to pay the sums subjoined to their names respectively:

Form of execution.

List of persons fined.	Cause of fines.	Fixed amount of fines.	Amount of fines to be calculated on general tax of the year 18	Aggregate of fines to be inserted by the Sheriff.	Column for Sheriff to enter payment of fines or make other returns.	Column for Sheriff to insert his costs and enter payment thereof.

A. D. 1865.

CIV. You, and each of you, are hereby commanded to levy and sell out of the goods and chattels of each of the persons named in the said list sufficient to satisfy the fine or fines so adjudged against him, as well as the costs which shall accrue against him; and to pay over the said fine to the Quartermaster of the . And if any of the said persons shall refuse or fail to pay the fine or fines so adjudged against him, or to show personal property sufficient to pay the same, you are commanded to take him and lodge him in the common jail of your District, there to remain until discharged by law.

Given under my hand and seal, the day of A. D. 18

Y. Z., (with rank attached.) [L. S.]

Costs received by whom execution shall issue, the following costs, to wit: For every fine paid before levy, fifty cents; after levy and before sale, one dollar; for every fine collected by sale of property, including fee for advertising, two dollars and fifty cents; for arresting and committing delinquent to jail, two dollars; and the Sheriff shall be entitled to retain twenty per cent. on all fines he may collect.

Fine of Major-General and Brigadier-General for neglect. CVI. Each Major-General who shall neglect to attend a review and drill of each regiment of his division at least once in two years, shall be fined in the sum of fifty dollars, and fifty per cent. on the amount of his last general tax, for each regiment he shall fail to attend. Each Brigadier-General, who shall neglect to attend a review and drill of each regiment of his brigade at least once in every year, shall be fined in the sum of thirty dollars, and fifty per cent. on the amount of his last general tax, for each regiment he shall fail to attend.

Fines imposed on officers for not returning or reporting. CVII. Each officer required, by law to make any return or report, or who shall be required by any superior officer, and fail to make such return or report, shall be liable to be fined as follows, to wit: A Major-General, one hundred and fifty dollars; a Brigadier-General, one hundred dollars; a Colonel, or officer commanding a regiment, seventy-five dollars; a Lieutenant-Colonel, Major, or officer commanding a battalion, fifty dollars; a Captain, or officer commanding a company, twenty-five dollars; a Judge Advocate-General, seventy-five dollars; a Quartermaster-General, seventy-five dollars; a division Quartermaster, fifty dollars; a brigade Quartermaster, thirty dollars; and a regimental Quartermaster, twenty-five dollars; and all commissioned staff officers shall be fined in similar sums, according to their respective rank, and fifty per cent. on the amount of the last general tax of such delinquent of any grade.

Fines for officers not attending drills or reviews. CVIII. Any officer of the division staff who shall fail to attend a review and drill of each regiment in his division at least once in two years, and any officer of the brigade staff who shall fail to attend a review and drill of each regiment of his brigade at least once a year, shall be fined, for each regiment he shall fail to attend, the following sums, according to his rank and grade, to wit: A Colonel, twenty-five dollars; a Lieutenant-Colonel, twenty dollars; a Major, fifteen dollars; a Captain, ten dollars; and fifty per cent. on the amount of such delinquent's last general tax.

Fines for failure to attend musters and drills. CIX. Each Colonel of infantry who shall fail to attend a muster and drill of each company in his regiment at least once in two years; and each Colonel of cavalry, who shall fail to attend a muster and drill of each company in his regiment at least once in two years; and each Lieutenant-Colonel or Major of infantry or artillery, who shall fail to attend a muster and drill of each company of his battalion at least once in every year; and each Lieutenant-Colonel or Major of cavalry, who shall fail to attend a muster and drill of each company of his squadron once in every year, shall be fined, for each company in his command which he fails to attend, in the sum of twenty-five dollars, and fifty per cent. on the amount of his last general tax.

CX. For non-attendance at a regimental, or squadron, or battalion muster, or drill of officers and non-commissioned officers, previous to such muster, the following fines shall be imposed, to wit: On a Colonel, fifty dollars; on a Lieutenant-Colonel, forty dollars; on a Major, thirty dollars; on a Captain, twenty dollars; on a Lieutenant, regimental Quartermaster, Surgeon, or Assistant Surgeon, fifteen dollars; on a Sergeant-Major or Quartermaster's Sergeant, ten dollars; similar fines shall be imposed on the commissioned regimental staff officers, according to their respective rank; on a Sergeant or Corporal, three dollars; and on a private, for non-attendance at regimental, squadron or battalion muster, three dollars, and fifty per cent. on the amount of the last general tax of such delinquent officer, non-commissioned officer or private.

CXI. For non-attendance at a company muster, the following fines shall be imposed, to wit: On a Captain, fifteen dollars; on a Lieutenant, ten dollars; and on a non-commissioned officer, Musician or private, two dollars, and fifty per cent. on the amount of the last general tax of such delinquent officer, non-commissioned officer, Musician or private.

CXII. Any officer, non-commissioned officer, Musician or private, who shall, at any muster, parade, review, or drill whatever, leave his squad, company, battalion or regiment, without permission of his superior officer, shall be liable to all the penalties, as if he had willfully refused to appear at such muster, parade, review or drill.

CXIII. The following persons shall be exempted from all Militia service, to wit: The Lieutenant-Governor, for the time being; the Judges of the Courts of Law and Equity; the Ordinaries; the Clerks of the Courts of General Sessions and Common Pleas; Sheriffs; Masters, Commissioners and Registers in Equity; the Secretary of State; Surveyor-General; Comptroller-General and Treasurers of this State; and all persons over the age of sixty and under the age of sixteen years: *Provided*, That any person exempted from all Militia duty shall, if he holds any commission in the military of this State, be not allowed to plead the exemption.

CXIV. The following persons shall be exempted from ordinary Militia duty, but shall be liable to perform the duty in times of alarm, insurrection, invasion, (or as one of the *posse comitatus*, when required,) and shall not be exempted from draft for actual service; but no person under the age of eighteen, or above the age of forty-five years, shall be liable to draft for any service beyond the limits of their respective brigades, to wit: All the officers, non-commissioned officers and privates of the South Carolina volunteers in the Florida war, who were honorably discharged from service; the officers and members of the Palmetto Regiment, and Jerome B. Kerr, a soldier in the Mexican war, of the Mississippi Regiment, and now of this State; also, the Members of both branches of the General Assembly, and their respective officers, for fifteen days before the sitting, during the session, and fifteen days after the adjournment thereof; all regular officiating clergymen; all regular licensed practicing physicians; the Faculty and Officers in the South Carolina College; professors in theological schools; school-masters, having under their tuition not less than fifteen scholars; and all students at schools, academies and colleges; managers of elections, while employed in the duties of their office; all licensed pilots; one white man to each established ferry, toll-bridge and toll-grain mill, if actually kept by such white man; the President, Cashier and Teller of the several banks of this State; the officers and men of the City Guard and Fire Department of Charleston and Charleston Neck; the officers of the South Carolina Railroad Company, and of the other railroad companies of this State, as specified in "An Act concerning the South Carolina Canal and Railroad Company," passed on the twentieth day of December, Anno Domini one thousand eight hundred and thirty-two; the Superintendent and Keepers of the Lunatic Asylum; the Toll-

A. D. 1865.

Fines for non-attendance at regimental, squadron or battalion musters

Fines for non-attendance at company musters.

Penalties for leaving command on parade, etc.

Persons exempt from all Militia service.

Proviso.

Persons exempt from ordinary Militia duty, but liable to other duties.

A. D. 1865. Collectors of the State Road; the Keepers of the Arsenals at Charleston and Columbia; the officers and cadets of the State Military Academies; all persons holding office under the United States; all officers who have held, or shall hold, commissions in the Militia of this State for the term of seven years consecutively; members of volunteer companies, who have served as such for fourteen years consecutively; members of the Board of Fire-Masters; officers and members of any incorporated fire-engine company, or incorporated axe company, who shall have done service as such for fourteen consecutive years: *Provided, however,* That there shall not be more than thirteen companies in the city of Charleston at any one time to which the said exemption shall apply, and that none of the said companies shall have more than seventy-five members at any one time; and all persons under the age of eighteen and over the age of forty-five.

Proviso. Power to grant furloughs. CXV. The Commander-in-Chief shall have power and authority to grant furlough or exemption from duty to any officer of the Militia of this State, for such time as shall seem to him reasonable. A Major-General shall have power to grant a furlough to any officer of his division for a time not exceeding four months in any one year. A Brigadier-General shall have power to grant a furlough to any officer of his brigade for a time not exceeding two months in any one year. A Colonel shall have power to grant a furlough to any officer of his regiment for a time not exceeding one month in any one year. But no furlough or leave of absence shall be granted by any officer without good and satisfactory cause.

Duty of master and apprentice. CXVI. Every person to whom any white male apprentice or servant liable to Militia duty shall be bound, shall furnish him, during the time of servitude, with the arms and equipments prescribed by the Act of Congress, and shall compel him, duly armed and equipped, to attend all such drills and musters as he may be required by law to attend, and in default of his attendance, or deficiency of his arms or equipments, the person to whom he shall be bound shall, on conviction thereof before a court-martial, be liable to pay the fine imposed on a private for such delinquency: *Provided,* That if such apprentice or servant, after having been furnished, as aforesaid, and sent to such muster, shall, contrary to the will of the person to whom he is bound, neglect to appear, or shall appear without such arms or equipments, he shall be obliged to serve such person two weeks for every fine so inflicted, in addition to his term of servitude; and if any such apprentice shall embezzle, sell or make away with the arms and equipments furnished as aforesaid, with the intent to defraud the owner thereof, such apprentice or servant shall be liable for their value in a civil action, and shall, also, on conviction thereof, by indictment, be subject to a fine not exceeding fifty dollars, and to imprisonment not exceeding one month.

System of instructions. CXVII. The system of instructions and regulations, as established by proper authority, from time to time, used in the regular army of the United States, shall be observed in the instructions and exercises of the Militia of this State.

Uniform officers. CXVIII. The uniform reported by the Adjutant and Inspector-General, under the resolution of the General Assembly, passed on the twentieth day of December, Anno Domini one thousand eight hundred and thirty-seven, and the uniform for the general and staff officers of the cavalry of this State, prescribed by him in obedience to a resolution of the General Assembly, passed on the nineteenth day of December, Anno Domini one thousand eight hundred and thirty-eight, and printed in pamphlet, shall be adopted as the uniform and dress of the Militia officers of this State; and all officers hereafter elected or appointed, except such company officers as are exempted from uniforming by law, shall conform to the same within the time now allowed by officers to uniform.

CXIX. Any beat company shall have the privilege of adopting a uniform, A. D. 1865. to be approved by the Colonel, or officer commanding the regiment, and may pass such by-laws, imposing penalties, to be recovered and expended in such manner as may be prescribed by the company; and when a beat company is uniformed, the commissioned officers thereof shall be permitted to adopt and wear the same; but no member of any company shall be compelled to uniform, or be subjected to any penalty imposed by the by-laws, unless he shall have assented to and subscribed the same.

CXX. If the Governor or Commander-in-Chief, for the time being, receive information from any person in authority in this State, or from any other creditable person, upon oath, that any foreign enemy or armed force intend suddenly to invade the State; or if any dangerous insurrection or rebellion be actually raised within this State, which cannot be suppressed by one company, he may raise as many of the divisions, brigades, regiments, battalions and companies, within this State, as he shall think sufficient to suppress and repel such invasion, insurrection or rebellion, as may happen; and for the more effectual execution thereof he may make and publish an alarm throughout the State, by firing six guns, two at a time, at three minutes interval, or by sending orders and expresses to the general officers, field officers, and other officers of the Militia, to raise their respective divisions, brigades, regiments, squadrons, battalions, companies, or such part of them as shall be ordered and directed to march and rendezvous at such times and places within the State as the Governor or Commander-in-Chief for the time being shall think fit; and the alarms aforesaid shall be carried on through the whole State, by all the commissioned officers of the Militia, by firing three small arms, at convenient intervals, from place to place, and by speedily raising their several corps, and taking all other proper and effectual measures to give notice of the motion of the enemy, and forwarding with the utmost expedition all necessary information to the Governor or Commander-in-Chief, by putting in execution all such orders as they shall receive from their superior officers.

CXXI. That on the sight of an enemy, or on information of an enemy appearing, or mischief done by an enemy, from any white person of credit, who has seen the same, (of whose credit the officer to whom information is given shall be a judge,) an alarm shall be made by any commissioned officer by firing three small arms; and every alarm shall be carried on by all persons hearing or having knowledge of the same by firing three small arms as distinctly as usual; and the said officer who fired the alarm shall assemble the corps of which he is an officer, by beat of drum, or by ordering them to warn their next neighbor, or otherwise, till the corps can be got together; and the commanding officer of the same shall, with all convenient speed, despatch two expresses, one to the Governor or Commander-in-Chief, and the other to the nearest field officer of the regiment to which the said corps belongs, with an account of the cause of alarm so made; upon which notice the said field officer shall despatch two expresses, one to the Brigadier-General of the brigade, and the other to the Major-General of the division. The field officer who shall receive the information as aforesaid shall have power to assemble any number of men of the battalion or regiment, as the case may be, to which he belongs, to march to the assistance of any of the inhabitants of the State who are in danger.

CXXII. If any person, liable to bear arms, shall, in time of such alarm, neglect or refuse to use his utmost endeavors to convey and communicate the said alarm, or notice of the enemy's approach, he shall forfeit and pay a sum not exceeding two hundred and fifty dollars; and in case any such person, after he has received notice of an alarm, does not forthwith repair, completely armed and equipped as aforesaid, with all convenient

Uniform and
by-laws of
beat compa-
nies.

Power of
Governor in
case of inva-
sion or insur-
rection.

Alarms to be
made, and
how.

Forfeits for
refusing to
communicate
alarms, etc.

A. D. 1865.

speed, to the place where the regiment, battalion or company to which he shall belong shall be appointed to rendezvous, every such person shall forfeit a sum not exceeding one hundred dollars; and in case the company to which such person shall belong shall actually engage and fight with the enemy before such person shall appear in the said regiment, battalion or company, in every such case the person not appearing as aforesaid shall forfeit a sum not exceeding two hundred dollars.

Power of Militia officers CXXIII. That every commissioned officer in the Militia shall have power, where occasion shall require, to assemble, arm and raise any number of men belonging to their respective corps; and, if need be, to give notice, and call to their aid, the officers and men of any adjacent corps, to disperse, suppress, kill, destroy, apprehend, take or subdue, any pirate, sea-rover, or other enemy, who shall, in a hostile manner, hurt, or attempt to hurt, any of the inhabitants of this State, in their persons or possessions, or any company of freedmen, or others, who shall be met together for an unlawful purpose, or who shall be lurking in any suspected place where they may do mischief; and in case any person, liable to bear arms, shall, on such occasion, neglect or refuse to appear, upon notice given by order of any commissioned officer of the corps to which such person belongs, or appearing, shall not attend and obey the said officer, for every such neglect or refusal he shall forfeit the sum of ten dollars.

Regiments, necessary to march the several regiments, squadrons, battalions or etc., to march companies, or any of them, out of their respective Districts, one-fourth, out of their at least, of every company in the State shall remain in their respective Districts. CXXIV. In times of invasion or insurrection, when it shall be found necessary to march the several regiments, squadrons, battalions or etc., to march companies, or any of them, out of their respective Districts, one-fourth, out of their at least, of every company in the State shall remain in their respective Districts, and shall be formed into patrols, under the command of such officers as the commissioned officers of their companies shall appoint, until the rest of the company have returned and be discharged from bearing arms; and the patrol so formed shall be on constant duty, riding patrol and guard the plantations and keep the inhabitants in good order, and place proper guards at convenient places to give notice of danger, and the speedy conveyance of intelligence to the Commander-in-Chief, or any army raised by his command; and in case any person obliged to ride in such patrols shall refuse or neglect to serve in such patrols, or obey the lawful command of the person appointed to command such patrol, he shall forfeit a sum not exceeding seventy-five dollars.

Captain to person shall receive orders to march out of his District, the Captain, or make decision other commanding officer, who shall be present, shall cause the names of by lot. CXXV. That in time of invasion, insurrection or rebellion, when any all persons who are on the muster-roll of such company (officers excepted) to be written down on small scraps of paper, which shall be folded up, put in a hat, and shaken together, and the Clerk or Sergeant shall draw out the names of three-fourths of the said company; and the persons whose names shall be so drawn shall be obliged to march according to the orders of the Commander-in-Chief, and the others shall stay in their respective Districts, and shall do patrol duty, as aforesaid; but no officer of any company shall be excused from marching with his company, unless by special orders from the Commander-in-Chief; and in that case, such officer so directed to stay shall be commanding officer of that part of the company left for patrol duty. If any person whose name is drawn as **Substitutes.** aforesaid, and is thereby obliged to march out of his District, can provide an able-bodied man, (to be approved by a majority of the officers of the company to which such person belongs,) completely armed and furnished, according to the directions of this Act, every such person shall be permitted and at liberty so to do; and upon producing and sending out such able-bodied man in his stead, he shall be excused from going out or marching in person; but, nevertheless, shall be obliged to do patrol

duty in his District; and in case of disobedience, neglect or refusal to perform such patrol duty, he shall be liable to the penalty not exceeding seventy-five dollars, as aforesaid.

A. D. 1865.

CXXVI. That in time of an alarm, occasioned by insurrection, invasion or rebellion, all field officers, and Captains of every company, are hereby empowered, personally or by their warrants to any inferior officer, to impress any arms, ammunition, provisions, horses, wagons, carts, boats, canoes, petaigua and vessels, with their furniture, or whatever other things they shall want or need, for the service of this State: *Provided*, All such things so impressed be by the said officers brought before three or more impartial freeholders, to be appraised and valued before they be disposed of for the public service; and such valuation and appraisement being made, the officer shall give a receipt for the same, if he conveniently can, and the officer is to cause his Clerk to enter the same in a book to be kept for that purpose; and the said appraisers shall ascertain any loss or damage that shall happen to the thing so impressed, or allow a competent hire for the same when returned to the owner, as the case shall require, and shall give such appraisement, under their hands, to the owner, directed to the public Treasurers, who shall lay the same before the Legislature; and the commanding officer or Captain of each company, after such alarm is over, and before such company is discharged, shall order so many men as he shall think fit to carry the several things by him impressed to their respective owners, who, upon the redelivery of the same, shall give a receipt; and such officer is likewise empowered to draw on the public Treasury for so much money as he shall think the carrying of the several things so returned shall deserve; and he shall also lodge in some convenient and secure place, for public use, all the provisions and ammunition impressed by him, or by his warrant, that shall remain after the alarm; and he shall keep a particular account thereof.

Officers, to

Proviso.

CXXVII. The Commander-in-Chief for the time being, in case of invasion, or other emergency, when he shall judge it necessary, order out any portion of the Militia of this State, to march to any part thereof, and to continue in service not more than three months at any one time, and until relieved, for which he shall make timely provision; and likewise may, in consequence of an application of the Executive of any State in the United States, or an invasion or insurrection, or an apprehension of an invasion of such State, at his discretion, order out any number of Militia, not exceeding one-third thereof, to such State: *Provided*, That the military which shall be so ordered out of this State shall not be obliged to continue on duty out of the State more than two months at any one time; and while in actual service, they shall receive the same pay and rations, and be subject to the same regulations, as the army of the United States: *Provided, nevertheless*, That volunteers and substitutes be allowed in the place of those ordered out; and, also, that any offence committed by a Militia officer, non-commissioned officer or private, shall be tried and determined by a court-martial of the Militia officers of this State, and that it shall be in the power of the commanding officer of the Militia, or the Governor of this State, to mitigate, suspend or pardon any punishment to which any such officer, non-commissioned officer, or private, may be sentenced by a general court-martial.

Militia to
serve in any
part of the
State for a
certain time.

Proviso.

CXXVIII. Any Major-General, Brigadier-General, or the commanding officer of a regiment, when, and as often as any invasion may happen, may order out the Militia under their respective commands, for the defence of this State, giving notice of such invasion, and every circumstance attending the same, as early as possible, to their immediate commanding officer, by whom it shall be transmitted to the Governor or Commander-in-Chief, by express, the expenses of which shall be immediately paid; and that, in case of insurrection, the commanding officer

Power of
Major-Gen-
eral and Briga-
dier-General.

A. D. 1863. of the regiment or battalion, within whose limits such insurrection may happen, shall immediately assemble his regiment or battalion under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the Major-General of the division, and to the Governor or Commander-in-Chief, shall proceed to take such measures to suppress such insurrection as he may deem proper; and if any person be wounded or disabled, while in actual service, in opposing any invasion or insurrection, or in suppressing the same, he shall be taken care of and provided for, at the public expense, without regard to his rank.

Civil officers not to execute (unless for treason, felony, or breach of the peace) on any person who process, ex- shall be called out into the service, and embodied by the Executive authority of this State, in pursuance of the provisions of this Act, or certain offences. within thirty days after such person is discharged from such service, under the penalty of twenty dollars; and the service of any such process shall be void; and all suits that may be pending against such person shall stand and be continued over in the same manner as if they had been regularly postponed by affidavit, and the estate of such person, when he shall be so called out and embodied as aforesaid, shall be free and exempt from levy, distress or sale, by virtue of any legal process whatever, from the time he shall be called out as aforesaid, and until thirty days shall have elapsed after he shall be discharged from such service; and any person making such levy, distress or sale, as aforesaid, shall be fined, on conviction by indictment, in the sum of twenty dollars, and such levy, distress and sale shall be void.

Vacancies to be filled by promotion. Vacancies shall be filled by promotion in regular grade, and not by election; nor shall any election for officers take place in any company while in active service, except to fill the office of Junior Lieutenant; and such election shall be forthwith ordered by the superior officer in command of the company, battalion or regiment in which the vacancy shall occur, and shall be held within twenty-four hours after the issue of such order. All other vacancies shall be filled by promotion of those next in rank in their respective companies.

Pay and rations of Militia. Whenever the Militia shall be called into the actual service of this State, by authority of the laws thereof, their pay shall commence from the day of their appearing at the places of battalion, regimental or brigade rendezvous, allowing to each officer, non-commissioned officer, Musician or private, a day's pay and rations for every fifteen miles from his home to such place of rendezvous, and the same allowance for traveling home from the place of his discharge; and whilst in the service aforesaid, the officers, non-commissioned officers, Musicians and privates of the infantry, light infantry, riflemen, artillery and cavalry of the Militia of this State shall be entitled to the same pay, rations and forage as such regular troops of the United States are entitled to receive.

Rules and regulations. When the Militia, or any part thereof, shall be embodied, and in actual service, in consequence of being so ordered by the Commander-in-Chief, either within or without this State, they shall be subject to the same rules and regulations as the troops of the United States shall be, subject to at the time the Militia shall be so ordered out, in order to secure, as far as possible, an uniformity of discipline; and the said rules and articles shall be proclaimed, with due solemnity, at the head of such detachment, as soon after their being assembled as possible.

Fine for not appearing when summoned to the rendezvous. When a Militia-man, in the case specified in the preceding section, shall have been duly summoned or ordered to appear at the rendezvous, and shall not appear, then, and in that case, he shall be fined in a sum not exceeding five hundred dollars, and the amount of his taxes

OF SOUTH CAROLINA.

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last paid to the State, at the discretion of a court-martial, to be composed of officers of the detachment ordered out, if it be convenient; and if not, of officers of the brigade to which the delinquent shall belong, or of any other officers of the Militia of this State, at the discretion of the Commander-in-Chief, who is hereby authorized to order said courts, in conformity with the usage of the army of the United States; and, in addition to the fine which the said court-martial may inflict on any person who may subject himself to any of the aforesaid penalties, the said court-martial may, at their discretion, sentence any delinquent to imprisonment in the common jail, for a term not exceeding three months: *Provided, always,* That no fine and imprisonment shall be imposed on any delinquent, until summoned to appear before a court-martial, to show cause why such fine or imprisonment should not be imposed. And all fines inflicted by virtue of this section shall be collected by an execution, which the President of the court-martial aforesaid shall issue, directed to the Sheriffs of this State, designating the delinquent, and the company to which he belongs, and commanding the Sheriff to levy the fine and costs of the lands, tenements, goods and chattels of the delinquent; and if none can be found, or insufficient to satisfy the same, then to take him and commit him to the jail of the District where he resides; and the Sheriff to whom the same shall be delivered shall execute it by levying and collecting the fine and costs, and shall make return thereof, within forty days from its lodgment, to the said President; and if the Sheriff be unable to find lands, tenements, goods or chattels, of which to levy the same, then he shall take and commit the said delinquent to the jail, where he shall be kept until the same be paid, or until double the time shall have elapsed for which he would have served had he joined the Militia so ordered out; and the Sheriff shall be entitled to the same fees and commissions for collecting such fine, and shall be liable to the same penalties for not levying, collecting such fine, and returning the execution, as hereinbefore prescribed; and all fines arising under this clause shall be paid, when collected, to the Quartermaster of the regiment to which the delinquents respectively belong.

A. D. 1865.

Proviso.

CXXXIV. All musicians, trumpeters, buglers, drummers, and fifers attached to or liable to do duty in any company, shall be entitled to the same pay, and be liable to the same fines and penalties, and subject to the same rules and regulations, as the Militia of this State are liable or subject to.

Pay and liabilities of Musicians.

CXXXV. It shall and may be lawful for the Governor or Commander-in-Chief for the time being, or the Major-General of the division, or the Brigadier-General of the brigade in which Charleston is comprehended, or the commanding officers of the Charleston regiments for the time being, to call forth, when necessary, such and so many companies, or detachments of companies, to mount guard in the said city, as to them shall respectively appear necessary and proper: *Provided,* That no such guard shall be obliged to continue on duty at any one time, except in case of actual alarm, more than twenty-four hours; and every person summoned to turn out on any guard who shall not obey, or who shall leave his guard, or otherwise misbehave, shall be liable to pay the same fines and forfeitures as such person would be obliged to pay for default of duty, for non-attendance or misbehavior at regimental muster.

Guard for the the city of Charleston.

Proviso.

CXXXVI. The Commander-in-Chief for the time being shall have authority to remove, to some place of safety and deposit, such portion of the arms, ammunition and military stores, at any time in the public arsenals of this State, as circumstances may appear to require; and when necessary, in his opinion, to provide and furnish sufficient guards to protect the public arsenals until it be found expedient to call out into service detachments of the Militia, on whom in part the duty may devolve.

Commander-in-Chief to remove military stores to place of safety.

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CXXXVII. All persons necessarily going to or returning from musters, drill or courts-martial, and all patrols, shall pass over, free of toll or charge, all chartered bridges, ferries and turnpike roads of this State.

CXXXVIII. That no civil officer shall execute any process, arresting and confining the person, or requiring bail or surety, (unless for treason, process by felony, misdemeanor or breach of the peace,) on any person engaged in civil officers.

Execution of the military service required by the laws of this State, or going to or returning from the same, under a penalty of twenty-five dollars, and the service of such process shall be void; all arms and equipments required by law, and horses used in the performance of Militia duty, shall be exempt from seizure, distress and execution: *Provided*, Each trooper or mounted officer shall have but one horse exempted: *And provided, also*, That such horse shall be registered with the commander of the corps to which such trooper is attached; and if any person shall seize, distrain or execute such arms, equipments or horse, he shall be liable to a penalty of fifty dollars. The penalties prescribed in this section to be recovered by indictment.

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CXXXIX. All regiments or battalions composed of volunteer companies Regiments of infantry, cavalry, artillery or riflemen, are hereby authorized to re- and battalions organize, and shall be entitled to all the rights and privileges heretofore allowed them by law; and whenever in any regiment of infantry, four companies to volunteer companies shall be organized, such companies may form a re-organize. battalion, attached to such regiment, with one Major, an Adjutant and a Quartermaster, each with the rank of First Lieutenant, a Surgeon with the rank of Captain, a Sergeant-Major and a Quartermaster-Sergeant; and whenever in any regiment of infantry eight or more volunteer companies shall be formed, such companies may be organized into a regiment, and have all the officers, field and staff, allowed to a regiment of infantry.

CXL. All the companies which have been or may be organized for the Companies to retain their police of the State, under the recent proclamation of the Provisional Governor, may retain their organizations as volunteer companies, and organizations shall be attached to the regiment of infantry or cavalry, as the case may be, within the limits of which they may have been raised.

CXLI. All the Acts of the General Assembly relating to the Military Certain Acts Hall in Charleston; all Acts relating to the Fire Guard of Charleston; and continued and declared of special and local Acts relating to volunteer companies; to the limits of regiments or beats, and to the recruiting limits of cavalry, of force on the first day of December, in the year of our Lord one thousand eight hundred and sixty, and all other Acts and parts of Acts relating to the Militia, not inconsistent with the provisions of this Act, of force on that day, are hereby continued and declared of force.

CXLII. The requirements of this Act on the subject of uniform shall be inoperative for two years from the day of the passage thereof.

CXLIII. The Governor and Commander-in-Chief is hereby authorized Officers to be appointed by Governor. to appoint the Major-Generals, Brigadier-Generals, one Colonel of cavalry in each brigade of infantry, to organize and command the mounted companies raised, or that may be raised under the proclamation of the Provisional Governor, and Colonels of infantry, by and with the advice and consent of the Senate, during the present session, for the immediate organization of the Militia, and the provisions of this Act for the election of those officers shall be applicable only to cases of vacancies hereafter occurring. The officers so appointed shall, under the direction of the Governor, proceed immediately to re-organize the divisions, brigades, regiments and companies of their respective commands.

Commissions vacated. CXLIV. The commission of each officer of the Militia now in office shall be vacated as soon as his successor shall be commissioned in accordance with this Act: *Provided, nevertheless*, That in as much as the First Regiment of Artillery, attached to the Fourth Brigade, Second Division, S. C. M., has never at any time been disorganized, the said First Regiment

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of Artillery shall be allowed to exist as heretofore, and the respective commissions of its field officers shall be and remain in force from the respective date or dates on which they were issued, anything to the contrary in this Act notwithstanding.

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CXLV. So much of this Act as requires previous rank in the Militia as one of the qualifications for office shall be inoperative for twelve months after the passage thereof.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE THE IRELAND CREEK TIMBER CUTTERS' COMPANY.

No. 4753.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized, for the purpose of clearing and opening the head-waters of the River Ashepoo from Hyrns' Landing to their source, by the lead and way of the Fish Pond and Great Swamp to Ireland Creek, and thence to a point, following the run of the Creek, five miles beyond Walterboro, with a view towards rafting timber and other cut wood to market.

Formation and location.

II. That the stock of the company hereby authorized shall consist of five hundred shares, of one hundred dollars each; but the said company shall be at liberty to enlarge their said capital as, in the progress of their undertaking, they may find necessary, either by additional assessment on the original shares, not to exceed in the whole the sum of ten dollars on each original share, or by new subscriptions of not more than one hundred dollars each; the terms and conditions of which new subscriptions the said company is authorized to prescribe; and it shall be lawful for the said company, from time to time, to invest so much of their capital, or of their profits, as may not be required for immediate use, and until it may be so required, in public stock or stocks of any bank or other incorporated body, and to draw and to apply the dividends, and to sell or transfer, as they shall see fit, any portion of the stock.

Number of shares and the amount of each.

III. That the books for subscription of the stock of the said company, hereby authorized, shall be opened at Charleston, under the direction of Edward Willis, A. R. Chisolm and E. A. Ballaguer; and at Walterboro, under the direction of John W. Burbridge, Ashbury Lowry and B. G. Price, as Commissioners; and the books shall be opened in each of the said places on the same day, to wit, first Monday of March, in the year of our Lord one thousand eight hundred and sixty-six, and be kept open at each place for three days thereafter, between the hours of nine o'clock A. M. and two o'clock P. M., notice whereof shall be given, by each set of Commissioners, of the times and places of subscribing, either by advertising in a gazette or other manner, as they may deem best, for at least one month prior to the time for opening said books. Upon the books being opened, individuals may subscribe for as many shares as they see fit, paying to the Commissioners, at the time of subscription, five dollars on each share subscribed for; and the Commissioners shall designate in the books, opposite to the names of the subscribers, the day of subscription, the number of shares subscribed, and the sum of money paid, respectively; and for the sums so paid, the Commissioners shall give receipts to the individuals paying, and, as soon as may be, deposit the money in some

Commissioners to open books of subscription.

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bank in the State of South Carolina, subject to the joint check of said Commissioners, or a majority of them, or of a majority of the survivors of them, whose duty it shall be, immediately on the organization of the said company, by the election of a President and Board of Directors, to transfer the same to the credit of the said company.

Certificate of deposit. IV. That when the books shall be closed on the last day, the Commissioners at Charleston shall transmit to the Commissioners in Walterboro a list of the subscribers, with such designations as are contained in the subscription books, with a certificate appended thereto, to be signed by each Commissioner, that the money is deposited in bank, conformably to this Act, naming the bank, and thereupon the Commissioners in Walterboro, from both the lists of subscribers, shall prepare a general list, and ascertain whether the shares subscribed are equal to the capital prescribed for the company, or greater or less in amount than the said capital. If the number of the shares subscribed shall exceed five hundred, then the shares shall be reduced rateably to that number, except that no subscription of two shares or less shall be reduced. If the number of shares subscribed shall be less than one hundred, the Commissioners in Charleston and Walterboro may keep the books open at those places until the number of one hundred shares shall be subscribed. If the number of shares subscribed shall amount to one hundred, the said Company may thereupon be formed, and, when organized, may cause the books to be opened by the Directors, after sixty days' notice of the time and place of subscription, and receive such subscriptions as can be obtained, and may keep open the books until the whole amount of five hundred shares shall have been subscribed.

Shares to be taken before organization. V. That as soon as the number of one hundred shares shall have been subscribed in manner as aforesaid, the company shall be considered as formed, and this Act of incorporation shall attach and become effectual, and the company may take measures for complete organization. To this end the Commissioners in Walterboro shall appoint a convenient time and place for the meeting of stockholders, and shall cause the same to be advertised in the public gazettes for four weeks previous to the day of meeting, at which time and place the subscribers of stock may attend in person, or by proxy; and the meeting having assembled, and a proper registry made of all the subscribers who may be in attendance or by proxy, the Commissioners at Walterboro, or a majority of them attending, shall present a ballot-box, in which the subscribers may vote by ballot for

President and Directors. a President and six Directors, to serve for one year, and until a new election be made; and the presiding Commissioners shall count the ballots, declare the election, and make and deliver proper certificates thereof under their hands.

Regulations as to votes of stockholders. VI. That in the said election, and in all future elections of President and Directors, and in the making, altering and repealing of by-laws, and in determining on measures involving the interests of the company, at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of three or four shares shall be entitled to two votes; the owner of five or six shares shall be entitled to three votes; the owner of seven or eight shares shall be entitled to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of shares above forty shall be entitled

to one vote for every ten shares above forty. No one but a subscriber shall be capable of being a proxy; and the appointment of a proxy shall be in writing, signed by the stockholder appointing; any person offering to vote as a proxy may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock on which he offers to vote as proxy; a trustee of stock shall not vote on shares held by him in trust expressed or declared, where the *cesqui que trust* holds other shares either in his own name or in the name of another trustee; but the *cesqui que trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

VII. That the election for President and Directors shall be made annually, according to the by-laws to be made for the purpose; and in case any vacancy occur in the Board between two periods of general election, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect by ballot, from the stockholders, a person to fill the vacancy so occurred until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election, as to all or any of them being effected, the corporation shall not be dissolved or discontinued thereby, but it shall be lawful, on any other day, to hold and to make such election in such manner as may be prescribed by the by-laws of the corporation, subject to the scale and regulations of the sixth section of this Act.

VIII. That the said company, to be organized as aforesaid, shall be called "The Ireland Creek Timber Cutters' Company," and have perpetual rights. Name and succession of members; may make and have a common seal, and break and alter it at pleasure; may sue and be sued, answer and be answered unto, by their corporate name aforesaid, in all Courts of Law and Equity, or judicial tribunals in this State, and shall be capable at all times of making and establishing, altering and revoking, all such regulations, rules and by-laws for the government of the company and its direction as they may find necessary and proper for effecting the ends and purposes intended by the association, and contemplated by this Act: *Provided*, Such regulations, rules and by-laws be not repugnant to the Constitution and Laws of the State.

IX. That the said Ireland Creek Timber Cutters' Company shall have power and capacity to purchase, take and hold in fee simple, or for years, to them and their successors, any lands, tenements or hereditaments, they might find necessary for the purpose of procuring timber and other cut wood for the rafting hereinbefore expressed, and in like manner to purchase all private right of-way, or make courses that may run into or across the route of the head-waters hereinbefore described; and, also, such lands contiguous thereto as may be found necessary for the erection of such buildings as may be convenient for the purposes of the said company; and that the said company shall have power to dig and deepen, so as to make navigable for rafting, the head-waters aforesaid that may be across and over any public road that may be in their route: *Provided*, That the said company shall, at their own expense, make such provision as that the passage of the public road be not obstructed thereby. That the said company shall have the exclusive right to clear and open, so as to make navigable for rafting, the said head-waters of the River Ashepoo, between the points designated as Hyn's Landing, on the Ashepoo, and the aforesaid point five miles above the town of Walterboro, and to deepen by digging the run of the same, as they may find necessary for rafting; and to raft timber and other cut wood on, over and along the same; and are hereby authorized to fix and determine upon such rate of charge against any person or persons, not members of the said company, as they may permit to use the waters aforesaid, so cleared and opened for rafting purposes, as to

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Proxies.

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Power to purchase.

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Letting of any part of their exclusive right to the use of the said waters, with their privileges, to any individual or other company, and for such terms as may be agreed upon, subject always to the proviso contained in this section in relation to the rates of charge; and the said company may use or employ any sections of the said waters on the said route, so cleared and opened, before the whole shall be cleared and opened the entire route designated:

Forfeits for said, so cleared and opened on any part thereof, by any manner or use thereof for rafting purposes, without the permission, or contrary to the will of the said company, he or she shall forfeit to the company all the material attempted to be rafted, that may be so intrusively introduced and used thereon, and the same may be seized by the company or its agents, or recovered by a suit at law; and, moreover, the person or persons so intruding shall or may be indicted as for a misdemeanor, and, upon conviction, be fined or imprisoned, at the discretion of the Court of Sessions;

and if any person or persons shall, willfully and maliciously, in any manner or degree, obstruct the waters aforesaid, after being cleared and opened, such person or persons so offending shall be liable to be indicted as for a misdemeanor therefor, and, upon conviction thereof, shall be imprisoned not more than six months, and be fined not more than five hundred dollars, nor less than twenty dollars, and shall be further liable to pay to the company any damages occasioned by the said obstruction, and all expenses for removing the same. The one-half of all fines that may be imposed under this Act shall go to the informer, and the other half to the company.

XII. That the exclusive right to clear, open and use the waters aforesaid, between the points designated as aforesaid, shall vest and continue in the said company for twenty-five years: *Provided*, That the subscription of stock in the said company be filled up to the amount of five hundred shares in three years from the ratification of this Act, and the said opening and clearing of the head-waters aforesaid to commence in one year, and be completed in five years, after the shares shall be subscribed.

XIII. That after the President and Directors shall be elected as aforesaid, it shall always be in the power of the President and Directors of the company, at a meeting of the Board, a majority being present, to nominate and appoint a Secretary, a Treasurer, and all other officers, agents, and servants that they may deem necessary, or that may be prescribed in the by-laws of the said company, and to remove the same at pleasure; and, also, to require and take, from all the officers, agents and servants, such bond or bonds and security as the Board or by-laws may prescribe, for securing the fidelity, obedience and accountability of the said officers, agents and servants, and the punctual surrender or delivery of all moneys and property, on the termination of their offices by resignation, removal, or expiration of their term.

Drawing of sums of money by the President, shall have power to draw from the bank all such sums of money as may have been deposited by the different sets of Commissioners for the first payment by subscribers upon their subscriptions of stock, as before provided, and shall refund the sums for such shares as may be cancelled and thrown out, upon adjustment of the shares, in case of over-subscriptions, to the subscribers the number of whose shares has been so reduced.

Payment by instalments. XV. That every subscriber or holder of stock in said company shall pay to the company the amount of shares by him or her subscribed or held, in such instalments, not exceeding five dollars on each share at any

Rights.

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Secretary and Treasurer and other officers.

Drawing of sums of money

Payment by instalments.

one time, and at such periods, with intervals of not less than thirty days, as shall be prescribed and called for by the Directors; of which periods of payment, and the sums required, the Board of Directors shall cause public notice to be given, for at least three weeks previous to such periods of payment, by advertising in one or more of the gazettes published in the city of Charleston, and on the door of the Court House for the District of Colleton; and, on failure of any subscriber or stockholder to pay up any instalments so called for by the Directors, he or she shall be liable to an action for the same, or the shares upon which such default shall be made, together with any past payment thereon, shall be forfeited to the company, and be appropriated as they shall see fit. And the said company shall and may prescribe, in and by their by-laws, rules and regulations, the mode of issuing the evidence of shares of stock, and the manner, terms and conditions of assigning and transferring shares of the stock.

XVI. That if the said company determine to increase their capital stock by additional assessments on the original shares, as hereinbefore provided, the sum so assessed shall be called for in such instalments at such periods and such notices, and not otherwise, as are provided in the fifteenth section of this Act; and failure to pay up such assessment shall induce a forfeiture to the company, in like manner as provided in said section, of the shares of stock on which default shall be made.

XVII. That the President and Directors shall be styled the direction of the company, and shall have power to call for all instalments; declare all dividends of profits, make all contracts and agreements in behalf of the company; and to do and perform all other lawful acts and deeds which, by the by-laws of the corporation, they may be authorized and required to do and perform, and the acts or contracts of the direction, verified by the signatures of the President and Secretary, shall be binding on the company without seal. The direction shall not exceed in their contracts the amount of the capital in the company; and in case they do so, the President and Directors, who are present at the meeting when any such contract exceeding the capital shall be made, shall be severally and jointly liable for the excess as well to the contractor as to the company: *Provided*, That any one may discharge himself from such liability by voting against such contract, causing such vote to be recorded in the minutes of the direction, and giving notice thereof to the next meeting of the stockholders. The direction shall keep regular minutes of all their meetings, and of the acts there done, and they shall make a full report of the state of the company and of its affairs to a general meeting of the stockholders at least once in every year, and oftener if so directed by the by-laws; and they shall have power to call a general meeting of the stockholders when they may deem it expedient; and the company may provide in their by-laws for occasional meetings of the stockholders, and prescribe the mode of calling the same.

XVIII. That the said Ireland Creek Timber Cutters' Company shall be, and the same is hereby, exempted from the provisions of the forty-first section of an Act entitled "An Act to incorporate certain Villages, Societies and Companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one.

Certain exemptions.

XIX. That this Act shall be deemed a public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

A. D. 1865.

Assessments.

Power of President and Directors.

Proviso.

A.D. 1855.

AN ACT TO ORGANIZE THE EXECUTIVE DEPARTMENT OF THIS STATE.

No. 4754.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Executive Department of this State is hereby declared to consist of the following officers, that is to say: The Governor and Lieutenant-Governor, the Secretary of State, the Treasurer of the State of South Carolina, and the Attorney-General and Solicitors.

THE GOVERNOR OF THE STATE OF SOUTH CAROLINA.

Private Secretary of Gov- by him, who shall receive an annual salary, to be fixed by each General Assembly, and whose duty it shall be, under the direction of the Governor, to keep an accurate record and minute, under proper dates, of all transactions, opinions, and other official matters and acts occurring during his period of office, which said record and minute shall, under certain restrictions, be open to the inspection of the Members of the General Assembly. The Governor shall be furnished with a suitable office, to be called the Executive Chamber, in which all petitions, memorials, letters, and all other official papers and documents addressed to or received by him shall be methodically arranged and kept, with proper indexes therefor. He shall keep a record in proper books of

Duties and all his messages to the General Assembly, of all applications for pardon made to him; of all such pardons as may have been granted by him, and of all communications to the General Assembly relating thereto; of all bills presented to him in obedience to the provision of the Constitution, and of all objections he may make to any of them; of all official communications, proclamations and orders issuing from his office; and of all other matters which the Governor may think it important to preserve. The Governor shall be entitled to receive out of the public Treasury, as a compensation for his services, the sum of thirty-five hundred dollars for each year.

THE LIEUTENANT-GOVERNOE

Compensation for Lieutenant-Governor.

III. The Lieutenant-Governor shall be entitled to receive out of the public Treasury, for his expenses during his attendance on, going to and returning from the General Assembly, ten dollars for each day's attendance, and twenty cents for every mile of the ordinary route of travel between his residence and the Capital, or other place of sitting of the General Assembly, both going and returning.

THE SECRETARY OF STATE.

Duties of Secretary of State.

IV. The Secretary of State shall, during the absence of the Governor from Columbia, be placed in charge of the records and papers in the Executive Chamber. He shall, as soon as practicable, collect, deposit and keep in Columbia all the books, records and papers heretofore belonging thereto; and until all the books, records and papers heretofore kept and deposited in Charleston shall be removed to Columbia, under the direction of the General Assembly, he shall keep a deputy in Charleston in charge of the same as heretofore. He shall receive the same salary, discharge the same duties, and be subject to the same liabilities as are now provided by law.

Commissioners of the Treasury.

V. That the persons now holding the offices of Commissioners of the Treasury shall continue in office and discharge the same duties heretofore required of them by law, until the expiration of the terms for which they were respectively elected; and that upon the expiration of the term for Treasurer of Lower Division, which the person commonly called Treasurer of the Lower Division has been elected, the duties imposed and the rights conferred upon him shall

hereafter be imposed upon and vested in the person holding the office commonly called the Treasurer of the Upper Division, until the expiration of the term for which he has been elected, for which additional duties hereby thrown on him he shall receive the sum of sixteen hundred dollars, including the hire of one or more Clerks each year, besides the sum now allowed to him as Treasurer of the Division lately known as the Upper Division, and shall enter into an additional bond of sixty thousand dollars, with two or more sureties, to be approved by the Governor, conditioned for the faithful performance of the duties of his office; and at the expiration of his term of office, an officer shall be elected, to be called the Treasurer of the State of South Carolina, who shall, before entering on the duties of his office, give bond, with two or more good and sufficient sureties, to be approved by the Governor, with a condition for the faithful discharge of his official duties, in which he and his sureties shall be jointly and severally bound to the State of South Carolina in the penal sum of ninety thousand dollars. He shall receive an annual sum of three thousand dollars, including the hire of one or more Clerks, payable quarterly. It shall be the duty of the Treasurer, as soon as may be practicable, to collect, deposit and keep all the records, books and papers heretofore belonging to the Treasurer of the Upper Division and to the Treasurer of the Lower Division in his office at Columbia; to receive all the assets and other property of the State in the possession, power, custody or control of the said Treasurers of the Upper and Lower Divisions, and to give proper acquittances therefor. All payments made by the Treasurer shall be either directly by the Treasurer or by draft or check upon the Bank of the State of South Carolina, or its branches, or any depository of the Treasury. He shall discharge all the duties, and be subject to all the liabilities, heretofore provided by law for the Treasurers of the Upper and Lower Divisions.

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Treasurer of
Upper Division.Treasurer of
the State of
South Carolina,
salary and
duties.

THE ATTORNEY-GENERAL AND SOLICITORS.

VI. The Attorney-General and Solicitors of the several Circuits shall continue to be appointed in the same manner, for the same terms of office, shall discharge the same duties, and be subject to the same liabilities as already provided by law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO AMEND THE CHARTER OF THE CHARLESTON GAS-LIGHT COMPANY.

No. 4755.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the thirteenth section of an Act entitled "An Act to incorporate certain Societies, Associations and Companies, and to renew and amend the charters of others," passed the twenty-first day of December, one thousand eight hundred and fifty-seven, as provides that the Charleston Gas-Light Company "shall not charge more than four dollars per thousand feet for gas," be repealed for one year.

Repeal.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

A. D. 1865.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

No. 4756.

Authority to
erect gates.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Roads for the Parish of St. John's, Berkeley, and for Marlboro District, be, and they are hereby, authorized to permit gates to be erected across the public roads of the said Parish and District, in accordance with the provisions of an Act entitled "An Act to release the inhabitants of certain islands on the sea-coast from the operation of the road laws in certain cases," ratified on the twentieth day of December, Anno Domini one thousand eight hundred and twenty-one.

Nelson's Ferry.

II. That the Ferry across Santee River, known as Nelson's Ferry, be, and the same is hereby, rechartered for the term of one year, and vested in Augustus Fludd, his heirs and assigns, with the same rate of toll heretofore allowed by law.

Sullivan's Ferry.

III. That the Ferry on the Edisto River, formerly known as Sullivan's Ferry, is hereby rechartered for the term of seven years, and vested in Nicholas W. Beech, his heirs and assigns, with the same rates of toll as are now allowed at Givhan's Ferry.

Toll-gates and rates of toll.

IV. That the Commissioners of Roads for St. James', Goose Creek, be, and they are hereby, authorized to erect a toll-gate at ten-mile hill, or some other place on the State road, below the Goose Creek Bridge, for the purpose of raising the means to rebuild and repair the bridges on the said road within the limits of said Parish—rates of toll not to exceed the following, to wit: For each wagon drawn by six horses, seventy-five cents; by five horses, sixty-five cents; four-horses, fifty cents; three horses, forty cents; two horses, twenty-five cents; for each pleasure carriage, forty cents; two-horse buggies, thirty cents; one-horse, twenty cents; each cart or sulky, fifteen cents; man and horse, ten cents; led or drove horse, five cents; each head of cattle, five cents; and for each head of hogs, sheep or goats, three cents; and it shall be the duty of said Commissioners to make a report of their receipts and expenditures, annually, to the Fall Term of the Court of Common Pleas and General Sessions of the District.

Binnaker's Bridge, rates of toll at.

V. That John A. Laffitte be, and he is hereby, authorized to rebuild Binnaker's Bridge, across Edisto River, and to charge the following rates of toll, to wit: Each wagon drawn by six horses, seventy-five cents; by five horses, sixty cents; four horses, fifty cents; three horses, forty cents; two horses, twenty-five cents; for each pleasure carriage, forty cents; two-horse buggy, thirty cents; one-horse, twenty cents; each sulky or cart, fifteen cents; man and horse, ten cents; foot passengers, five cents; drove or led horses, five cents; each head of cattle, five cents; and for each head of hogs, sheep or goats, three cents; upon the condition that he shall surrender the said Bridge to the Commissioners of Roads for the Districts of Barnwell and Orangeburg, whenever they shall require him to do so:

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Provided, The said Commissioners pay to the said Laffitte a fair compensation for the same, and that the said compensation be fixed by two disinterested persons.

Ferry established.

VI. That a Ferry across Congaree River, at the site of the old Columbia Ferry, be, and is hereby, established, and vested in James S. Guignard, his heirs and assigns, for the term of five years, with the following rates of toll, to wit: For each wagon drawn by six horses or mules, one dollar; by five horses or mules, ninety cents; by four, eighty cents; by two, forty cents; by one, twenty cents; for each pleasure carriage drawn by two horses or mules, sixty cents; for each two-horse buggy, fifty cents; one-horse buggy, thirty cents; each sulky or cart, twenty cents; each man and horse, fifteen cents; led or drove horses, mules or cattle, ten cents each; hogs, sheep and goats, three cents each; and for each foot

passenger, five cents; and the said James S. Guignard shall be allowed the right of way to his Ferry through the lands of the estate of John O. Kinsler, on the eastern bank of the River, where the road now passes: *Provided*, That the said James S. Guignard shall be required to keep and use a substantial rope for crossing his flats at the place where his present main rope is now located: *And provided, also*, That only one toll shall be exacted for crossing said Ferry and recrossing within twenty-four hours.

VII. That a Ferry across Congaree River, at the city of Columbia, is hereby established, and vested in William Kinsler, Edward Kinsler and H. O. Kinsler, their heirs and assigns, for the term of five years, with the same rates of toll allowed to James S. Guignard, at his Ferry; and they shall be permitted to have the right of way to their Ferry through the lands of the said James S. Guignard, on the western bank of the River: *Provided, however*, That the said William Kinsler, Edward Kinsler and H. O. Kinsler shall not be permitted to land their flats within less than one hundred feet of the main rope now used by the said James S. Guignard, as at present located: *And provided, also*, That they be required to use a substantial rope for crossing their flats: *And provided, further*, That only one toll shall be exacted for crossing said Ferry and recrossing within twenty-four hours.

VIII. That the Bridge across Saluda River, known as Knight's Bridge, Knight's Bridge. be, and the same is hereby, rechartered for the term of seven years, and vested in John Knight, his heirs and assigns, with the same rates of toll heretofore allowed by law.

IX. That the Bridge across Tugaloo River, known as Jarrett's Bridge, Jarrett's Bridge. be, and the same is hereby, rechartered for the term of seven years, and vested in Charles K. Jarrett, his heirs and assigns, with the following rates of toll, to wit: For each stage coach drawn by four horses, one dollar; each carriage or coach with two horses, fifty cents; with one horse, twenty-five cents; each wagon with six horses, sixty cents; with five horses, fifty-five cents; with four horses, fifty cents; three horses, forty-five cents; two horses, forty cents; one horse, twenty-five cents; for each ox cart, thirty cents; each spring wagon with two horses, fifty cents, each man and horse, ten cents; for led or drove horses, mules or cattle, each, five cents; hogs or sheep, each, three cents; and for each foot passenger, five cents.

X. That the Ferry across Saluda River, known as Neeley's Ferry, be, Neeley's Ferry. and the same is hereby, rechartered for the term of seven years, and vested in John S. Puckett and John Cunningham, their heirs and assigns, with the same rates of toll heretofore allowed by law: *Provided*, That George Anderson, his family, wagons and servants, shall be at all times allowed to cross said Ferry free of toll.

XI. It shall be regarded as an essential condition in the case of each Ferry and Bridge hereby chartered, or rechartered, that transportation be furnished over them at such times as may be required, every day, from sun-rise until twelve o'clock P. M.

XII. That the several Boards of Commissioners of Roads, for the respective Districts and Parishes in this State, as existing or appointed at the session of the General Assembly for December, Anno Domini one thousand eight hundred and sixty-three, shall continue in office, and have legal existence as such, until the end of the next regular session of the Legislature of this State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

A. D. 1865.

Proviso.

Certain persons to establish a ferry.

Proviso.

Jarrett's Bridge.

Jarrett's Bridge.

Limit of existence of certain Boards.

A. D. 1865. AN ACT TO PROVIDE A MODE BY WHICH TO PERPETUATE TESTIMONY IN
 RELATION TO DEEDS, WILLS, CHOSSES IN ACTION, OTHER PAPERS AND
 RECORDS DESTROYED OR LOST DURING THE RECENT WAR.

No. 4757.

Secondary proof. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever, hereafter, in any suit which shall be pending in any Court of this State, it shall be necessary, for the maintenance of the action or defence, that proof shall be adduced of the contents of any document, whether the same be a deed, will, chose in action, or other private writing, or a public record, or of any other nature whatever, proper to be proven, and it shall be proven, (by the affidavit of the party, in case he be unable otherwise to make the proof,) that such document was in existence and in the possession of any person during the recent war, and cannot now be found, it shall be presumed that such document was destroyed or lost by reason of the existence of the war; and if such presumption shall not be rebutted to the satisfaction of the Court, the party needing the proof of the contents of such document shall, without further proof of loss, be at liberty to introduce secondary evidence of such contents; and for this purpose recitals in other deeds or writings, proven or acknowledged to be genuine, whether between the same parties or not, and statements in the record of any suit in any of the Courts, produced from the proper place of custody, or in the printed volumes of State reports, published by authority of the General Assembly, although such statements be in cases not between the parties to the suit in which the evidence offered, or those under whom they claim, shall be admissible for the consideration of the Court or Jury having jurisdiction of the issues of fact: *Provided, however,* That in every such case the party tendering such evidence shall have first made in open Court, or before some Judge of the Superior or Inferior Courts of this State, or some Commissioner residing out of the State, duly qualified to take affidavits to be used within the State, an affidavit that the said document is not in his possession or power to produce, and, so far as he knows, is not in existence, and that he verily believes that the same was in fact destroyed or carried away, or in some other way lost or destroyed, and shall also produce, in open Court, an affidavit, made by the person in whose possession the party tendering shall swear such document was when he last knew of it, unless the party tendering was himself the last person in possession, that the same was in fact destroyed or carried away, if he knows it to be so, or if, without positive knowledge, that he believes it to be so, and setting forth the facts and circumstances which induce such belief, if such person is other than the said party in Court tendering the secondary evidence of contents, and is alive and within the State.

Plaintiffs to substitute new records. II. The plaintiff or plaintiffs, or any of them, in any judgment or decree, the record whereof has been destroyed or abstracted, or lost during the recent war, or his personal representative, or other person claiming under or through him, or any person whatever having interest in the preservation of the evidence of such judgment or decree, may, upon notice, of not less than ten days, served personally upon the defendant (or defendants if more than one) therein, or those upon whom his, her or their liability thereunder has devolved, or others interested to oppose the application, make application to the Court in which such judgment or decree was rendered, for leave to substitute a new record, and if, upon hearing the evidence on each side, the Court is satisfied of the existence and loss of such record, an order for leave to substitute shall be made, ascertaining as near as possible the names of all the original parties and the plaintiff's attorney, the date of the signing of the judgment or filing of the decree, (and if in Equity, an enrolled money decree in Equity, then also the date

of the enrollment,) the amount of the recovery, the sum bearing interest, and the date from which interest began to run, the balance actually due at the date of destruction or abstraction, and the date of the entry of the original process, and also of the last process issued for the execution of such judgment. The Clerk of the Court of Common Pleas, the Register in Equity and the Ordinary in each of the Districts of this State, in which the public records in the custody of such officer were destroyed or carried away, or in any other way lost, shall, at the expense of the funds in the hands of the Commissioners of Public Buildings for his District, procure a book or books of proper size, and suitably ruled and securely bound, to be labelled "Abstracts of Lost Judgments and Decrees," or, "Of Lost Decrees," as the case may be, in which he shall enter an abstract of every such judgment or decree, a new record of which shall be so ordered to be substituted, setting out in distinct and appropriate columns all the particulars hereinbefore required to be ascertained by the order of the Court, and such entry shall, without other or further record, be good and sufficient in law for all purposes for which the original record itself could have been used, and of equal authority therewith in all respects. In any case provided for in this and in the preceding section of this Act, if the plaintiff, or in case of his death, his personal representative, shall make oath, according to the best of his knowledge and belief, that a discovery from the defendant is the only means by which such lost or destroyed record or document can be established, and also of the former existence and of the loss or destruction of such record or other document, he may, if the defendant, or either of them, if more than one, be living, and be within the limits of the State, call upon such defendant to answer, on oath, as to the former existence of such record or other document, and as to its contents, character and description, and also as to the amount due thereon. And in case such defendant, after at least ten days' personal notice, (if he be within the District when such proceeding is had, and twenty days' notice in case he is not,) shall fail to answer upon oath the interrogatories so propounded, such failure to answer, (unless satisfactorily explained or accounted for,) shall be taken and considered as an admission by such defendant of the truth of the facts stated and set forth in the plaintiff's affidavit: *Provided*, That such admission shall only affect the party so failing to answer as aforesaid and his legal representatives. If such defendant shall deny, on oath, the former existence of such record or other document, so attempted to be set up, or shall deny, on oath, that there is anything due thereon to such plaintiff, or his legal representative, or shall deny any other material fact alleged in the plaintiff's affidavit, the answer of the defendant, together with the affidavit of the plaintiff, shall be considered as evidence in the case, and shall, with such other testimony as the parties on both sides may offer, be submitted to the Court: *Provided*, That no costs shall be taxed against the defendant for the interrogatories which may be propounded to him under the provisions of this Act.

III. That for the purpose of preserving such secondary evidence as may now be in existence of the past existence, loss and contents, or any of them, of such documents as have been destroyed or lost during the recent war, the Attorney-General and Solicitor shall, in every District in their respective circuits, file "a bill to perpetuate testimony," in which shall be set forth the fact that many documents, such as deeds, wills, choses in action, and other private writings, and also public records and others of any nature whatever, have been lost or destroyed during the recent war, and that the proof of their past existence, loss and contents, rests in the memory of witnesses upon whose death the testimony will be wholly lost. And that such proof may be taken and perpetuated, the bill shall pray that an order may issue permitting all persons entitled by reason of loss of documents under such circumstances, and desiring to do so, to come

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Duties of
Clerk of Court
of Common
Pleas and of
other officers.

Defendant
to furnish evi-
dence.

Proviso.

Duties of
Attorney-Gen-
eral and Soli-
citors.

A. D. 1865. before the Court and have taken and perpetuated all evidence which they
 shall produce.

Master or Commissioner IV. That in the filing of such bill, the Master or Commissioner shall make an order, in conformity with the prayer thereof, which shall be to make order. published by being posted on the Court House door and printed in one newspaper, if any such there be in the District, once a week for two months; and if there be no paper published in the District, then in Charleston or Columbia.

Evidence for preservation. V. Upon the filing of such bill, any person or persons interested in preserving the evidence of the contents of any such document, and desiring to do so, may apply by writing, under oath, to the Master or Commissioner for leave so to do, setting forth with reasonable certainty a description of the document, of the past existence, loss and contents of which he proposes to offer evidence for preservation, and stating the fact of the destruction or loss, positively, or at least that he verily so believes, and also stating whether or not there are other persons having like or opposite interest with him in the matter to be testified to, and what the interest of such persons is; and if there be any such, the said Master or Commissioner shall issue a *subpoena ad respondendum*, directed to the said parties, to appear and cross-examine the evidence which may be produced, and to introduce evidence in reply; and if the applicant shall desire a discovery from any party interested, he shall, on making oath, as in bills of discovery, be permitted to send with the subpoena interrogatories, which shall be answered as in bills for discovery. And whether or not there shall appear to be other parties, besides the applicant, who are interested, the Master or Commissioner shall publish the notice of application for three months in the same manner as now prescribed for notices to absent defendants in Equity, and all parties who may think themselves interested may come in as if they had been served with subpoena.

Master or Commissioner VI. At the expiration of the said three months, the Master or Commissioner shall proceed to take the evidence, if the party making application to take evidence. therein asks for leave to have evidence of the true location of one or more tracts of land taken for preservation. The Master or Commissioner shall have authority to issue a rule of survey to a Deputy Surveyor, to be selected by himself for that purpose, to whom all the papers and other evidence of location shall be furnished by the party or parties in interest, and who shall return his plats, duly certified, to the Master or Commissioner issuing the order, on or before a day to be therein fixed by him.

Recording of evidence. VII. The evidence so taken shall be preserved, and the parties may have the same recorded in the offices of the Register of Mesne Conveyances and the Secretary of State, and (if it relates to records of any Court) in that Court in which the lost or destroyed record which it proposes to prove was made.

VIII. The evidence so taken, perpetuated and recorded, shall be received in all Courts, subject to the same rules, as to competency and credibility, as any other evidence, except as hereinbefore provided.

Fees of Attorney-General and Solicitors. IX. For performing the duty assigned them, the Attorney-General and Solicitors shall receive twenty dollars for each bill, and the Masters and Commissioners the usual fees for filing the bill and making and publishing the general notice thereof, and the printer the usual fees for printing the same; all of which shall be paid by the State Treasurer on the certificate of any Chancellor. The costs of all other proceedings shall be paid by the parties who seek the relief preferred by the bill, except that in cases in which there is a conflict of interest, the Chancellor shall decide which party shall pay them.

Bills to remain on the docket. X. The bills shall remain on the docket for five years, unless the General Assembly shall sooner order them stricken off, during all which time all persons may come in and seek the relief intended.

XI. That no law now in force, or which may be passed at this session of the General Assembly, of the character of a stay law, or law prohibiting suits in Court, shall be held as applying to or affecting the provisions of this Act: *Provided*, This section shall not be construed to authorize the applying to this collection of any debt or money contrary to the provisions of any stay law Act now in force or hereafter enacted.

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Laws not to

XII. Nothing herein contained shall prevent any one from establishing, on the trial of any cause, any lost paper, according to the rules of evidence now existing.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

**AN ACT TO PROVIDE FOR THE APPOINTMENT BY THIS STATE OF ELECTORS No. 4758.
OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.**

I. *Be it enacted* by the Senate and House of Representatives, now met People to and sitting in General Assembly, and by the authority of the same, That vote for Electors to hereafter the election of Electors for the offices of President and Vice- Presidents. President of the United States shall be made in this State by the people of the State; and all persons who are qualified by the Constitution and Laws of the State to vote for Members of the General Assembly, shall be entitled to vote for Electors of President and Vice-President of the United States.

II. That at least one month before the day fixed by the laws of the United States for the holding of such elections, the Governor of the State shall issue his proclamation directing the Managers of Elections throughout the State to open polls at their respective precincts for the election of the number of Electors to which the State shall at the time be entitled.

III. That the Managers of Elections, throughout the State, shall give public notice of such election at least fifteen days previous to the day appointed for the holding of the same, and on such day shall open polls at their respective precincts, commencing and closing the polls at the same hours, and conducting the election in the same manner, as directed by law for the election of Members of the General Assembly. On closing the polls, the Managers at each precinct shall immediately proceed to count the votes polled, and shall make out and sign a certificate showing the number of votes polled and the number polled for each person voted for as an Elector; which certificate, together with a list of the voters, shall be carried by one of the Managers of each precinct and reported to the general meeting of the Managers of the District, which shall be held, on the day following, at the Court House of the District, between the hours of twelve M. and four P. M. And the Managers so assembled in general meeting shall, after examining the several returns, prepare a tabular statement, showing the number of votes polled at each precinct, and the number polled for each person voted for as Electors; which statement shall be certified under the hands of said Managers; and after being carefully sealed in an envelop and properly endorsed, shall be forwarded to the Secretary of State by a messenger for that purpose, to be chosen by the Managers, who shall be sworn to deliver, and shall deliver the same, with the seals unbroken, to the Secretary of State, at his office in Columbia, within the seven days next ensuing the day of said election: *Provided*, That in the Election Districts of Berkeley and Beaufort, Managers shall meet at the Court House, at twelve o'clock M., the second day after the

Duty of Governor.

Duties of the Managers of Elections.

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Duties of the Secretary of State. IV. That on the Tuesday ensuing the day of said election, the Secretary of State shall deliver the packages covering said certificates to the Governor, and shall, in his presence, open the same, and proceed to make a general aggregate of the votes polled throughout the State. And it shall be the duty of the Governor, immediately on his ascertaining the result of such election, to issue his proclamation, declaring the persons elected as Electors, and calling them to assemble at Columbia, on the first Wednesday in December next ensuing, (or on such other day as may be fixed by the laws of the United States,) for the purpose of voting for the offices of President and Vice-President of the United States. Should it appear, on making an aggregate of the returns from the several Districts, that a greater number of persons than the number to be elected have received the greatest and an equal number of votes, the election, as between the persons so having an equal number of votes, shall be determined by lot, to be drawn by the Secretary of State, in the presence of, and by direction of the Governor, and the person or persons so chosen by lot shall be by the Governor proclaimed as duly elected.

Officers that are not eligible as Electors. V. That no Member of the Congress of the United States, nor any person holding an office of profit or trust, civil or military, under the Government of the United States, shall be eligible to the office of an Elector; nor shall any one be so eligible who is not a citizen and resident of the State, and himself a qualified voter in such election, according to the Constitution and Laws of the State.

Duties of Electors. VI. That on the first Wednesday in December next ensuing the election, the Electors shall be present at Columbia, and shall each, by or before the hour of ten o'clock A. M. of that day, inform the Governor that he is present for the purpose of performing his duties as an Elector. And it shall be the duty of the Governor to appoint an hour of said day, not later than twelve o'clock M., and a place for the meeting of the Electors, and to give information thereof to each Elector who shall have reported himself present. At the hour and place so appointed, it shall be the duty of the Electors to assemble, and when assembled, to vote for President and Vice-President of the United States, and to make returns thereof, agreeably to the laws of the United States in such case made and provided. In case of the failure of any Elector to attend, by reason of death or otherwise, or in case it should appear that any Elector present is disqualified to act, (of which fact the other Electors present shall judge,) the Electors present shall proceed to elect by ballot, in his stead, some other qualified person, whose attendance may be at once procured, and the person so chosen shall meet with the other Electors and discharge all the duties required of him as an Elector.

Liability of Managers of Elections and the Secretary of State. VII. That the Managers of Elections shall, for neglect of duty or improper conduct in the holding of such elections for Electors, be liable to the same penalties and forfeitures as are or may be provided by law for regulating the general elections in the State. And the Secretary of State, for neglect of the duties herein required of him, shall be subject to a fine of not exceeding one thousand dollars, to be recovered by indictment. And the messenger appointed by the Managers in any District to carry the return of said District to the Secretary of State, shall, for neglect of said duty, be subject to a fine of not less than two hundred dollars, nor more than five hundred dollars, to be recovered in like manner.

Pay of Electors and Messengers. VIII. That the persons attending as Electors, and the messengers who shall carry the District returns to the Secretary of State, shall be entitled to receive the same per diem and mileage allowed to the Members of the General Assembly for the number of days and the distance necessarily occupied in going to and returning from Columbia; and it shall be the

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duty of the Secretary of State to ascertain the amount due to each, and to certify pay-bills therefor, which shall be paid out of any moneys in the public Treasury not otherwise appropriated.

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IX. That all laws having reference to the election of Electors of President and Vice-President of the United States, contrary to the provisions pealed. Laws re-
of this Act, be, and the same are hereby, repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO PROVIDE FOR THE DRAWING OF JURIES IN CERTAIN CASES. No. 4759.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That wherever it has happened in any District that Juries have not been drawn for the term of the Court of Common Pleas and General Sessions next thereafter ensuing, it shall be the duty of the Clerk and Sheriff of the said Court to call in a Magistrate of the District, who shall open and preside at a Special Court for the District, at which Juries shall be drawn for the next regular term of the said Court, as might have been done at a regular term.

Juries to be drawn.

II. That if by reason of the destruction of a jury-box, or, from any other cause, it shall become necessary, the Clerk and Sheriff shall, before holding such Special Court, provide a new jury-box, the expense of which shall be defrayed by the Commissioners of Public Buildings for the District, and shall obtain a copy of the Tax-Collector's return, and if no copy can be had, they shall procure a list of tax-payers of the District, and from such return or list make the proper jury-tickets, which shall be put into the jury-box, in presence of the Magistrate, and from them the Juries be drawn.

In case of destruction of jury-box.

III. The Clerk shall, in every case, make in the journals proper entries of all that may be done, and the key of the jury-box shall be enclosed in a sealed envelop, certified by the name of the Magistrate written thereon in his own hand-writing.

Entries to be made.

IV. The Tax-Collectors in each Judicial District of the State shall, immediately after they have completed their first tax-return hereafter taken, furnish to the Clerk of the Court a copy of said return, and at the first sitting of the Court after such copy furnished, the Judges of the Court of Common Pleas and General Sessions shall cause the proper jury-tickets to be made from said return, and the Juries to be drawn therefrom, in manner as now directed by law.

Duties of Tax-Collectors.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO REGULATE THE DISTILLATION OF SPIRITUOUS LIQUORS.

No. 4760.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter it shall be unlawful for any person in this State to be engaged in the distillation of spirituous liquors from or out of any grain or other

Distilling without license.

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Amount paid
for and limit
of license.

substance, except raw sorghum and the ordinary fruits in their season, without a license therefor from the Commissioners of Public Buildings of the District in which such person shall be so engaged.

II. That before the license hereinbefore mentioned shall be granted, the person or persons applying for the same shall pay into the hands of the Commissioners of Public Buildings of the District in which such application shall be made the sum of two hundred dollars, on and for each and every still, or other apparatus, used in the distillation of spirituous liquors, except from fruits, as aforesaid; which license shall not be granted for a longer period than twelve months.

Punishment for violation of subject the person so offending to indictment as for a high misdemeanor, and, upon conviction thereof, such person shall be fined in a sum not less than five hundred nor more than two thousand dollars, and imprisoned not less than three months nor more than two years; two hundred and fifty dollars of which fine shall go to the prosecutor, who shall be a competent witness on behalf of the State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4761.

AN ACT TO PROVIDE FOR THE ELECTION OF TAX-COLLECTORS FOR THE DISTRICTS OF DARLINGTON AND CHESTERFIELD.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That elections be, and the same are hereby, ordered to be held at the various election precincts in the Districts of Darlington and Chesterfield on the first Monday, being the first day, of January, in the year of our Lord one thousand eight hundred and sixty-six, for Tax-Collectors for said Districts, and that the said elections shall be conducted in manner and form as now prescribed by law.

Writs to be issued. II. That the Clerks of the Court of Common Pleas and General Sessions for the said Districts be, and they are hereby, required to issue the necessary writs of election.

Time of election. III. That in future the election for Tax-Collectors of said Districts shall be held at the time now appointed by law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4762. **AN ACT TO CHANGE THE TIME FOR HOLDING THE ELECTION FOR SHERIFF OF WILLIAMSBURG DISTRICT.**

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an election for Sheriff of Williamsburg District shall be held on the third Wednesday in October next, and on the same day in every fourth year thereafter, except when a vacancy shall occur by the death, resignation, or otherwise, of any person holding such office during the term for which he

was elected—in which event the Clerk of the Court of Common Pleas shall advertise an election to fill such vacancy at the Court House door, at five other public places in the District at least, and in a gazette, if any such be printed in the District, giving thirty days' notice of the time of such election, and specifying any Wednesday succeeding the expiration of thirty and before the expiration of sixty days as the day of election; and he shall also issue a notice, to be served by the acting Sheriff, to the several sets of Managers of Elections in the District to attend at their respective polls on the day appointed, who shall so attend and conduct the election in the manner hereinafter prescribed.

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II. That the elections provided for in this Act shall be conducted according to the laws now in force regulating the manner of holding elections. Conducting election for Sheriff.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORE.

AN ACT TO EXTEND TO THE CAMDEN BRIDGE COMPANY THE TIME WITHIN WHICH TO REBUILD THEIR BRIDGE. No. 4763.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provision of an Act entitled "An Act to vest in proprietors of any bridge which may be destroyed by freshets, or otherwise, a right of ferry during the time the bridge is rebuilding," passed December seventeenth, one thousand eight hundred and thirty-one, which limits the time within which a bridge shall be rebuilt, be amended so as to allow to the "Camden Bridge Company" the period of two years from the time of the destruction of their bridge within which to begin the rebuilding of the same, and the period of two years from the time of beginning within which to complete the same.

Amendment.

II. That during the period within which the said company shall continue the ferry which they have established, or may establish, under the provisions of the aforesaid Act, the said company shall be liable as common carriers, and shall be entitled to all the rights and privileges, and be subject to all the liabilities, declared by the terms of the aforesaid Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORE.

AN ACT TO AMEND AN ACT TO INCORPORATE THE ELMORE MUTUAL INSURANCE COMPANY, TO BE LOCATED IN THE CITY OF CHARLESTON. No. 4764.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ninth section of the Act to incorporate the Elmore Mutual Insurance Company, to be located in the city of Charleston, ratified on the twenty-second day of December, Anno Domini, one thousand eight hundred and fifty-nine, be, and the same is hereby, repealed.

II. The said Company shall be authorized and empowered, with its

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Proviso.

present capital or assets, to continue business and take insurance risks according to the powers, privileges and rights conferred upon it by the Act of incorporation: *Provided*, That no dividends shall be declared until the original capital of two hundred and fifty thousand dollars of the said company shall have been made good.

III. The President and Directors shall be, and they are, authorized and Assessments empowered to call for and collect from each stockholder one or more assessments on each share of the capital stock, not exceeding, in the aggregate, the amount of ten dollars per share, and to compel the payment of the same by forfeiture and sale of the stock or otherwise: *Provided, however*, That one month's notice be given in one or more of the newspapers in the city of Charleston of such assessment or assessments, and that the same shall have been sanctioned or approved at a meeting of the stockholders: *And further, provided*, That when the original amount of the capital of said company shall have been restored, then the aforesaid ninth section of the Act incorporating said company shall be, and is hereby, revived and continued as a part of the charter of said company.

Quorum.

IV. In all meetings of the stockholders which may be convened under the by-laws or rules of the company, a quorum shall consist of fifteen stockholders, representing three thousand shares, in their own right or by proxy.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4765. AN ACT TO RENEW THE CHARTER OF THE MOUNT PLEASANT FERRY COMPANY.

Renewal of Act. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act, passed on the twentieth day of December, eighteen hundred and fifty-six, entitled "An Act to renew the charter of the Mount Pleasant Ferry Company," be, and the same is hereby, renewed, and shall continue of force for the term of fourteen years from the expiration of the said Act of eighteen hundred and fifty-six.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4766. AN ACT TO LEND THE CREDIT OF THE STATE TO SECURE CERTAIN BONDS TO BE ISSUED BY THE SOUTH CAROLINA RAILROAD COMPANY, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the extension of the debt guaranteed by the State of South Carolina, in pursuance of the provisions of the Act of the General Assembly, ratified on the twentieth day of December, eighteen hundred and thirty-seven, entitled "An Act to lend the credit of the State to secure any loan which may be made by the Louisville, Cincinnati and Charleston Railroad

Company, and for other purposes," the South Carolina Railroad Company be, and is hereby, authorized to issue its bonds for the principal and interest of said debt, which said bonds shall be payable at London, or such other place as the South Carolina Railroad Company may prescribe, not more than twenty years after the date thereof, and bear interest at the rate of five per cent. per annum, payable semi-annually; and when said bonds shall be signed by the President of said company under its corporate seal, and be countersigned by the Secretary thereof, it shall be the duty of the Treasurer of the State to endorse thereon that the faith and funds of the State of South Carolina are pledged to the punctual payment of the principal and interest of said bonds, according to the tenor and effect thereof: *Provided*, That the Treasurer shall not endorse the bonds to be issued in pursuance of this Act for any amount greater than the principal and interest of the bonds which shall, from time to time, be delivered up and cancelled.

II. That the South Carolina Railroad Company shall, from and after the expiration of five years from the date of such bonds, annually apply such portions of its earnings to the payment of the principal and interest of such bonds as will insure the full and entire payment thereof, at or before the period at which the liability of the State on such bonds would mature.

III. And whereas the bonds to be issued in pursuance of this Act are in substitution of the bonds guaranteed by the State under the Act ratified the twentieth day of December, eighteen hundred and thirty-seven, and an extension of the principal and interest due thereon: *Be it, therefore, further enacted*, That as soon as the Treasurer of the State shall have made any such endorsement on any such bonds, all the estate, property and funds, mortgaged to the State by the Act ratified on the twentieth day of December, eighteen hundred and thirty-seven, shall continue mortgaged and pledged to the State, to secure the State against any liability on said loan, and the endorsements to be made in pursuance of this Act for the payment thereof, in like manner and to the same extent as the said estate, property and funds are now mortgaged, and with all the rights of priority and lien given by said Act to the State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

A. D. 1865.
Authority to issue bonds.

Proviso.

Payment of principal and interest.

Preamble.

Property mortgaged.

AN ACT TO INCORPORATE THE PALMETTO SAVINGS BANK.

No. 4767.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Joseph D. Aiken, William H. Houston, John H. Steinmeyer, William Matthiessen and J. W. Brownfield, and their associates and successors, be, and they are hereby, declared a body politic and corporate, by the name and style of the Palmetto Savings Bank, with all the powers and privileges now given by law to the Palmetto Savings Institution, of Charleston.

II. This corporation shall have its location in Charleston, and this Act shall be deemed a public Act, and shall remain of force for a term of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Name and style.

Public Act.

Approved: JAMES L. ORR.

A. D. 1865. AN ACT TO INCORPORATE THE DEEP-WATER AND WESTERN RAILROAD COMPANY.

No. 4768.

Purpose. I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a communication by railroad from Foot Point, at the junction of the Colleton and Chickesee Rivers, in Beaufort District, to some point on the Savannah River, in said District, the formation of a corporate company is hereby authorized, to be called "The Deep-Water and Western Railroad Company," which company, when formed, in compliance with the conditions hereafter prescribed, shall have corporate existence as a body politic in this State.

Location. II. That the said company is hereby authorized to construct a railroad from Foot Point, at the junction of the Colleton and Chickesee Rivers, in Beaufort District, to some point on the Savannah River, within the said District, by a route to be determined by the said company, after the same shall have been formed.

Places and time to open books of subscription. III. That the books of subscription to the stock of said company shall be opened at Hilton Head and Charleston, by three Commissioners in each place, to be appointed by the Governor, and the books shall be opened in each of said places on the same day, to wit: the first Monday in January next, and be kept open in each place for thirty days thereafter, between the hours of nine o'clock A. M. and three o'clock P. M.; notice whereof shall be given by each set of Commissioners, either by advertising in a gazette, or such other manner as they may deem best, for at least one month prior to the time for the opening of said books. Individuals may subscribe for as many shares as they see fit, paying to the Commissioners, at the time of subscribing, one dollar for each share subscribed for; and the Commissioners shall designate in the books, opposite to the name of each subscriber, the date of the subscription, the number of shares subscribed for, and the sum of money paid; and for the sum so paid, the Commissioners shall give a receipt to the individual paying; and shall make a return of the subscriptions taken by them, and the sums of money paid thereon, to the Commissioners at Charleston.

Capital, amount required for operation. IV. That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to a sum not exceeding one million of dollars, and to be divided into shares of twenty-five dollars each; and when the sum of two hundred and fifty thousand dollars shall be subscribed for, in the manner hereinbefore prescribed, the subscribers shall be, and they are hereby, declared a body corporate, by the name and style of "The Deep-Water and Western Railroad Company," and may meet and organize the said company at such time and place as may be designated by a majority of Commissioners aforesaid.

Powers and privileges. V. That for the purpose of organizing and forming this company, all the powers conferred by the charter of the Spartanburg and Union Railroad Company on the Commissioners mentioned in said charter shall be vested in the Commissioners to be appointed by the Governor under the provisions of this Act; and all the powers and privileges granted by the charter of the said Spartanburg and Union Railroad Company to that company shall be, and are hereby, granted to "The Deep-Water and Western Railroad Company," subject to the conditions therein contained, except in so far as the special provisions of this Act may require the same to be modified or varied.

VI. That all questions concerning the right of way for said railroad,

OF SOUTH CAROLINA.

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when the company and land-owners cannot agree touching the same, shall be determined in the same manner as is provided by the tenth section of an Act entitled "An Act to authorize the formation of the Spartanburg and Union Railroad Company," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-seven, for determining questions of right of way for said railroad. In all cases of appeal for assessments by Commissioners, full costs shall be awarded; and the collection thereof enforced, as in cases of trespass on the case.

VII. That this Act shall be held and deemed a public Act, and continue in force for fifty years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

A. D. 1865.

Questions of
right of way,
how settled.

AN ACT TO INCORPORATE THE ASHLEY RIVER SAW MILL, TIMBER AND LUMBER COMPANY. No. 4769.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That David Riker, Seth Spencer, Philip J. Porcher, T. B. Trout, Oliver Amsbury and H. T. Peake, and their associates and successors, be, and the same are hereby, constituted a body politic and corporate, by the name and style of "The Ashley River Saw Mill, Timber and Lumber Company," for the purpose of erecting saw mills, purchasing, ranging timber, masts, spars, raft lumber, spokes, hoop-poles, and so forth, and for trading in all kinds of Southern timber, and by that name may sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State; may have a common seal, and the same may alter at pleasure, and may have and enjoy all the rights, powers and privileges incident to corporations.

Name and
style.

II. That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to any amount not exceeding two hundred thousand dollars, to be divided into shares of twenty dollars each, and that the said company shall be allowed to commence business so soon as the sum of twenty-five thousand dollars shall be subscribed.

Capital.

III. That this Act shall be, and the same is hereby, declared to be a public Act, and shall continue for the term of twenty years.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE THE SOUTH CAROLINA LAND AND EMIGRATION COMPANY. No. 4770.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That D. H. Riker, R. T. Morrison, J. L. Bryan, James W. Brown, Lawrence Teomer, W. M. Sage, Henry Sparnick, C. L. Claussen, E. L. Leadbetter

A. D. 1865. and R. H. Riker, in behalf of themselves and such others as now are, or may hereafter be, associated with them, for the purpose of encouraging the immigration of free white labor to this State, and for the development of her agricultural resources, be, and they are hereby, constituted a body corporate and politic, by the name and title of "The South Carolina Land and Emigration Company."

Purposes and title. Capital stock. II. That the capital stock of said company shall consist of ten thousand shares, of fifty dollars each, with the privilege of increasing the same to twenty thousand shares; but when the sum of one hundred thousand dollars shall have been subscribed, in the manner hereinafter provided for, the said company may be organized, and this charter shall attach.

Books of subscription. III. That for the purpose of raising the capital stock of the said company, books of subscription shall be opened on the first Monday of time and place January next, and shall be kept open for ten days, between the hours of to open.

ten o'clock in the morning and four o'clock in the afternoon, in the city

of Charleston, under the direction of D. H. Riker, C. L. Claussen, and James W. Brown; and in case the said sum of one hundred thousand dollars shall not be subscribed within that time, the said Commissioners

shall be authorized to keep open the said books until said sum has been subscribed: *Provided*, The same shall be done within twelve months from the ratification of this Act: *And provided, further*, That the said Commissioners shall give at least ten days' notice of the time and place of opening said books.

IV. That the said Commissioners, or a majority of them, shall receive

Money or subscriptions for shares in the said company. to be paid either in money land as sub- or in land at an assessed valuation; and on each share so subscribed in scriptions.

money the said Commissioners shall demand and receive the sum of five dollars, and on each share so subscribed in land, shall demand and receive security to the same extent by mortgage or otherwise, as the Commissioners may deem proper, without which the subscription shall be void.

Amount necessary for organization. V. That as soon as the sum of one hundred thousand dollars shall have been subscribed, in the manner hereinbefore provided for, the said Commissioners, or a majority of them, shall, by public notice, call a meeting of the subscribers, to be held in the city of Charleston, at which meeting the said subscribers shall proceed to organize the said company, by the election of a President and nine Directors.

Regulations for votes. VI. That in the said election, and in all future elections of President and Directors, and in the making, altering and repealing of by-laws, and in determining on measures involving the interests of the company, at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of more than two and less than five shares, to two votes; the owner of more than five and less than ten shares, to four votes; the owner of more than ten and less than twenty shares, to six votes; the owner of more than twenty and less than thirty shares, to eight votes; the owner of more than thirty and less than forty shares, to ten votes; and the owner of shares above forty shall be entitled to one vote for every ten shares above forty: *Provided*, That no individual or corporation holding stock in said company shall be entitled to more than one hundred votes. No one but a subscriber shall be capable of being a proxy; and the appointment of a proxy shall be in writing, signed by the stockholder appointing. Any person offering to vote as a proxy may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock in which he offers to vote as a proxy. A trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que trust* holds other shares,

Proviso.

either in his own name or in the name of another trustee, but the *cestui que trust* may vote in all shares owned by him, whether legally or equitably, according to the scale aforesaid.

A. D. 1865.

VII. That the election of a President and Directors shall be made annually, according to the by-laws to be made for the purpose; and in case any vacancy occur in the Board, between two periods of general election, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect by ballot, from the stockholders, a person to fill the vacancy so occurred, until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election, as to all or any of them being effected, the corporation shall not be dissolved nor discontinued thereby; but it shall be lawful on any other day to hold and to make such election in such manner as may be prescribed by the by-laws of the corporation, subject to the scale and regulations of the sixth section of this Act.

President and Directors.

VIII. That the said company shall have power and capacity to purchase, take and hold, in fee simple, or for years, to them and their successors, any lands, tenements or hereditaments, vessels, (steam or sail,) and other property of every kind and description whatsoever, which they may find necessary for the purposes of said company, and shall have power and authority to make all by-laws, not repugnant to the laws of the land, to have and keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State, and shall have and enjoy all and every right and privilege incidental and belonging to corporate bodies, according to the laws of this State.

Powers.

IX. All contracts and agreements authenticated by the President and Secretary shall be binding on the company, without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

Agreements binding.

X. The Board of Directors shall not exceed, in any contracts which they may make in carrying out the purposes of the company, the amount of the capital of the corporation; and in case they should do so, the amount of President and Directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made, shall be, jointly and severally, liable for the excess, both to the contractor or contractors and to the corporation: *Provided*, That any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded in the minutes of the Board, and giving notice thereof to the next general meeting of the stockholders.

Contracts not to exceed capital.

XI. The stock of the said company may be transferred in such manner and form as may be directed by the by-laws of the company.

Proviso.

XII. The profits of the company, or so much thereof as the Board of Directors may deem advisable, shall, when the affairs of the company permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

XIII. This Act shall be deemed a public Act, and may be given in evidence without being specially pleaded, and shall continue of force for a term of twenty-one years.

Transfer of stock.

Dividends.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Public Act.

Approved: JAMES L. ORR.

A. D. 1865. AN ACT FOR THE RELIEF OF THE CHARLESTON AND SAVANNAH RAILROAD COMPANY.

No. 4771.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Charleston and Savannah Railroad Company is authorized and empowered to borrow or raise the sum of not more than five hundred thousand dollars, to be used in the extension, building and procuring the proper outfit of said road between Charleston, South Carolina, and Savannah, Georgia.

Power to borrow. *II.* That for this purpose, the said company is hereby authorized and empowered to issue bonds to the amount of not more than five hundred thousand dollars, payable twenty years after the date thereof, with coupons attached, payable semi-annually. These bonds shall have a priority of lien over all other liens, bonds, mortgages, judgments and debts on the whole road, when finished, including its outfit and real estate: *Provided,*

Bonds, authority to issue. *III.* That the holders of the unendorsed bonds of said company, and the judgment creditors of said company, consent and agree in writing that their bonds and judgments be postponed and become liens on said road next after the State lien.

Proviso. *Lien postponed.* *III.* That the present lien of the State of South Carolina on said road be postponed, and become a second lien, which said second lien shall extend and cover the whole road, its outfit and real estate, when completed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4772. AN ACT TO INCORPORATE THE CHARLESTON DREDGING AND WHARF BUILDING COMPANY.

Title. *I.* Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James Carlin, John W. Sly, James Eagan, Charles Barkley and John Ferguson, and their associates and successors, be, and they are hereby, declared to be a body corporate and politic in law, by the name of "The Charleston Dredging and Wharf Building Company."

Capital stock. *II.* The capital stock of the said company shall be twenty-five thousand dollars, in shares of one hundred dollars each, but said company shall be allowed to go into operation when fifteen thousand dollars of said stock shall have been subscribed for, and paid in cash.

President and Directors. *III.* The affairs of said company shall be managed by a Board, consisting of a President and three Directors, who shall be elected in such manner, and for such period, as the stockholders may prescribe.

Property, right to hold. *IV.* The said company may hold such property, real and personal, as may be necessary for the purposes of their business, and may, from time to time, sell and transfer the same, or any part thereof.

Seal, etc. *V.* The said company may, by its corporate name, sue and be sued in all Courts of this State, may have a common seal, and make such rules and by-laws as they shall see fit, not inconsistent with the laws of this State, for the proper management of said company.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE SCHILLER LODGE, NO. 30, OF THE INDEPENDENT ORDER OF ODD FELLOWS, OF THE STATE OF SOUTH CAROLINA.

A. D. 1865.

No. 4773.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons who now are, or who may hereafter become, members of Schiller Lodge, No. 30, of the Independent Order of Odd Fellows, of the State of South Carolina, which Lodge shall be located in the city of location. Charleston, be, and the same are hereby, declared and constituted a body politic and corporate, by the name and style above-assigned.

II. That the Lodge aforesaid shall have succession of officers and members according to its by-laws, and shall have power to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any Court in this State. It is hereby empowered to retain, possess and enjoy all such property, real and personal, as it may possess, or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by it, and to sell, alien, or transfer the same: *Provided*, The amount so held shall not exceed the sum of twenty thousand dollars.

III. That this Act shall be a public Act, and continue in force for the term of fourteen years from the date of its ratification.

Title and

By-laws, etc.

Public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved, JAMES L. ORR.

AN ACT TO INCORPORATE THE GERMAN IMMIGRATION, LAND AND TRADING COMPANY, OF CHARLESTON. No. 4774.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John A. Wagener, John Campsen and J. C. H. Claussen, and such persons as may now, or hereafter shall, be associated with them, are hereby made and declared to be a body politic and corporate, by the name and style of "The German Immigration, Land and Trading Company, of Charleston," for a term of twenty-one years.

Title and style.

II. That the capital of the said company shall be employed in the promotion of European immigration; in the purchase, sale and settlement of lands; in the establishment of mills, factories and useful institutions in this State; and of direct intercourse with European ports, in such manner as the rules and by-laws of the said company may prescribe.

Use of capital.

III. That the said company may go into operation as soon as the sum of fifty thousand dollars shall have been actually paid in, and may have a capital to the extent of two millions of dollars, divided into shares of one hundred dollars each.

Sum required for operation.

IV. That the profits of the said company may, from time to time, be divided among the shareholders, according to such rules and regulations, not repugnant to the laws of this State, as they may prescribe.

Dividends.

V. That the said John A. Wagener, John Campsen and J. C. H. Claussen, or any three persons whom they may appoint, may act as Directors, for the purpose of receiving subscriptions to the capital stock of said company, vesting the sums subscribed upon such terms and in

Directors.

A. D. 1865. such securities as the stockholders, at the time of subscription, shall specify.

Lands as subscriptions. VI. That it shall be lawful for the said company to receive lands at a fairly appraised valuation, in lieu of cash, for stock, provided such stock shall be specially registered, and shall not be allowed any interest, dividend or profit, until it is made available by transfer, sale, or otherwise, and then for so much only as it actually shall have realized in cash or interest-bearing capital.

Meeting of stockholders. VII. That the said John A. Wagener, John Campsen and J. C. H. Claussen, and the survivors or survivor of them, shall, immediately after the subscriptions to the said company shall amount to more than fifty thousand dollars in cash actually paid in, call a meeting of the stockholders, for the election of such officers as the by-laws agreed upon by the said stockholders shall prescribe.

Perpetual succession of officers. VII. That the said company, by their name aforesaid, shall have perpetual succession of officers and members, and they may have a common seal, with power to change, alter, and make new the same, as often as they shall deem expedient.

Rights and liabilities. IX. That the said company shall be able and capable in law to purchase, have, hold, take, receive, possess, retain and enjoy to itself, in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature whatsoever, and to sell, alien, transfer and dispose of the same as they may think proper; and by its name above mentioned, to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Law or Equity in this State; and to make such rules and by-laws, not repugnant or contrary to the laws of the land, as, for the prosperity, proper management and good government of the said company may, by them, be thought necessary or expedient.

X. That the said company, in addition to the powers and rights hereby expressly conferred upon them, shall have all the powers and rights incident to corporations by the common law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

No. 4775.

AN ACT TO INCORPORATE THE CHARLESTON SAVINGS BANK.

Name and style. I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Charles H. West, Joseph Prevost, William McBurney and Jacob P. Schirmer, and their associates and successors, be, and they are hereby, declared a body politic and corporate, by the style and name of "The Charleston Savings Bank," with all the powers and privileges now given by law to the Charleston Savings Institution.

Public Act. II. This Act shall be a public Act, and shall remain of force for a term of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, *President of the Senate.*

C. H. SIMONTON, *Speaker House of Representatives.*

Approved: JAMES L. ORR.

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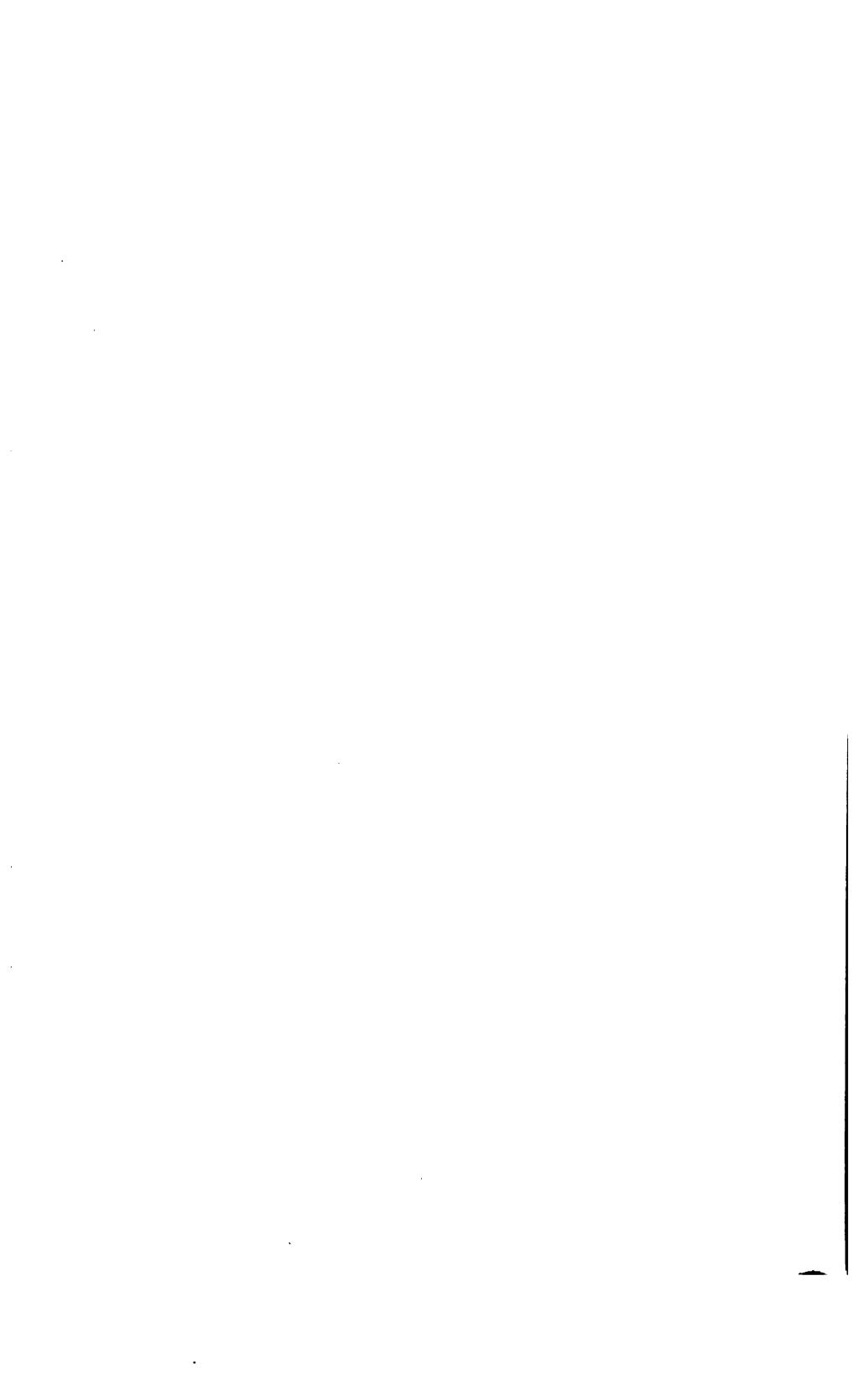
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